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H – 108

International Court of Justice

H0108 - 0002

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 12 April 1946, 1000--1300 hours, Lord Justice Lawrence presiding.

DR. KAUFFMANN: (Counsel for defendant Kaltenbrunner): Mr. President, the case of Sagan has been mentioned, but regarding his own participation the defendant has said only a few sentences. The Prosecution are assuming that he was an immediate participant even before the fliers had been shot. The two witnesses, Westhoff and Wielen, in my opinion, produced evidence for the defendant, and I am now asking the Tribunal to tell me whether the defendant may have permission to speak in detail regarding the manner in which he was actively concerned in the affair, or whether the Tribunal is satisfied with the treatment he has given this problem.

THE PRESIDENT: The Tribunal thinks that if the defendant has knowledge of the facts connected with it, he had better give them. He needn't give them in any greater detail than is necessary, but in view of the evidence of the witness Wielen, I think he ought to deal with it.

DIRECT EXAMINATION--Resumed

ERNST KALTENBRUNNER-Continuing

BY DR. KAUFFMANN:

Q You stated yesterday that you heard about the case Sagan for the first time after the event had taken place. Do you maintain that position?

A Yes.

Q In what manner did you become acquainted with the case later on, and what did you do about it?

A I was never officially informed of it, but roughly six weeks after the event, I received knowledge of it. At the time these fliers escaped and at the time the orders were given--which in my opinion, were given by Hitler to Himmler to Mueller to Nebe, or possibly from Himmler to Fegelein and Nebe--at the time I was not present in Berlin but was in Hungary and, with a number of stops, finally finished up in a visit to Minister Speer. On the second or

H0108 - 0003

third of April I returned to Berlin, and up to that time, no one had reported the case to me or informed me of it. The first time I heard of the affair was when the Foreign Office made representations, or rather, demanded from Nebe and Mueller that the case should be clarified so that they could prepare a note, and I have already said that in this connection, the Foreign Office was informed by the Protecting Power.

General Westhoff's description, in my opinion, is misleading. I think he said that approximately four weeks after the shooting, during a conversation with me he mentioned Sagan. I think that it was at least six weeks afterwards. It should be possible to ascertain when the Foreign Office made that inquiry. Then it would be possible to ascertain the date.

Q Later on, when you talked to Mueller and Nebe, what was decided upon as a camouflage for this matter and what was thought of?

A No camouflage was decided on nor discussed, but when Mueller and Nebe said that they would have to reply to the Foreign Office's inquiry and in that connection informed me of that dreadful order for the first time, I asked them who had given that order, and they replied Himmler. I told them that we ought to get in touch with that man immediately and ask him how the case should be dealt with further. I myself refused to have any connection with that matter. It had been unknown to me up until that time, and I did not want anything to do with it.

Q But was it not mentioned in that connection that it would be said that the fliers had lost their lives through bombs or that they had been shot whilst trying to escape? What do you know in that respect? The witness Schellenberg has stated that there were such conversations.

A Such words may have been said, yes. It has been described here how the large scale searches were handled, and in connection with these manhunts, there were shootings. Even Germans were shot in that connection. An SS Oberfuehrer in the Alsatian territory was shot on the occasion when he passed a road block which had been erected and refused to stop and there were other such cases, and in fact I was told that two or three of the fliers were actually killed by bombs. I think that was in the town of Kiel or Stettin, and I understand that two Criminal Police officials also lost their lives. That is something that ought to be ascertainable, and in this connection losses through

H0108 - 0004

bombing were mentioned, but a camouflage of the whole affair was not discussed in our office. What we did discuss, what was done, was that an answer was prepared in Himmler's headquarters. The two of them received this inquiry from the Foreign Office and left for Himmler's headquarters.

H0108 - 0005

Q Are you trying to say that the statement according to which these fliers had lost their lives by bombs, or been shot whilst escaping, that that did not originate from you?

A No, certainly not; it did not originate from me.

Q With reference to the church policy of Department IV, the prosecution is accusing you of the following: So-called bible scientists, or Jehovah's Witnesses, had often been sentenced to death only because they, on the strength of their inner convictions, refused to serve in the war. My question to you is this: Do you know of this state of affairs, and in what manner did you participate in that question?

A Under German law there was a basis for proceedings against these Jehovah's Witnesses. That is, under the law any one could be penalized with detention or death who was interfering with German armed strength by refusing to serve in the forces. According to this law, military, as well as civilian courts, did pronounce the death sentence as to these Jehovah's Witnesses. However, the death sentences did not appear through the channels of the Secret State Police.

In this connection undue harshness against people with a strong belief, such as members of Jehovah's Witnesses, was often mentioned.

I approached the Party Chancellery and the Ministry of Justice, and Himmler and Hitler, and pointed the facts out to them, and during several conferences with Thierack I have demanded that this type of handling under the law should cease. As a result, two things were done immediately. On the occasion of the first conference, after Thierack had made an inquiry at Bormann's office, and Hitler, whom he evidently did not see, a directive was issued to the public prosecutor's office stating that sentences which had already been pronounced were to be canceled.

During a further conference another step could have taken

H0108 - 0006

place, which was that the public prosecutors were given instructions to no longer pronounce the death sentence.

The third step was that Jehovah's Witnesses were no longer brought before the court.

I consider it a definite success of my personally mentioning this to Thierack--which later had been discussed with Hitler--that this type of handling of the law was completely done away with.

Q I am now submitting document--

A May I supplement my statement by saying this? This event, or this alteration of German law, became known abroad at that time. I remember quite well, for instance, that a very well known Swedish medical officer thanked me personally and stated that this deed had been well received in Sweden.

THE PRESIDENT: This really is an unnecessary detail about what happened with some Swedish person outside of Germany, as to what they thought of his actions.

DR. KAUFFMANN: Yes.

BY DR. KAUFFMANN:

Q I am now coming to document 1063-D, USA Exhibit 219. This is a directive from the Chief of the Security Police, dated 17 December, 1942. It is a secret letter, and it is addressed to all commanders of the Security Police and SD; and it goes, for information, to the Higher SS and Police Leaders and the Inspectors of Concentration Camps. It refers to a directive according to which at least 35,000 persons capable of work, by January of 1943, would have to be transferred to concentration camps. The letter is signed by Mueller.

I am asking you, do you know of this letter, or do you know of any such affair at all?

H0108 - 0007

A I neither know the letter, nor do I know the story.

THE PRESIDENT: Will you g ive us the number again?

DR. KAUFMANN: It is 1063-D, USA Exhibit 219.

BY DR. KAUFMANN:

Q Yes?

A From the date of the letter, it becomes apparent that this was written before I came into office, and it was not made known to me afterwards either. The signature is Mueller's, and he signed "by order of Himmler", as is shown from line 2. It is a typical case, which proves how unlimited Mueller's authority was, if he could issue such a decree as this.

I gather from the whole content of this lette r--it refers to a date at the end of January 1943--that this affair had not been reported to me or brought to my notice.

Q The prosecution have held you responsible in the following matter: There was an agreement between the former Minister of Justice Thierack, and Himmler, dated September 18, 1942, according to which Jews Poles, and so forth, were to be subjected to penal police proceedings instead of being dealt with by ordinary law courts.

Now I ask you, did you know of this agreement, and, if so, what attempt did you make so as to reinstate ordinary law proceedings so far as that was possible?

A Such an agreement between Thierack and Himmler is not known to me. As you said, it was made in the autumn of 1942. But repeatedly again and again, I worked and submitted proposals that all police courts should be dropped and proper law proceedings should be instituted. For that reason I was more respected by the courts themselves than Himmler. This was one of the main reasons why we never understood each other, and it was one of the main reasons for differences which cropped up even during our first discussions in 1942.

I can't understand Thierack's actions either, that he did make such an agreement with Himmler, because later on, as I know myself, he repeatedly spoke against the police courts, or the police court system.

H0108 - 0008

Q I now come to the question whether you had knowledge of the destruction of the Ghetto at Warsaw, which was carried out in 1943. A report is available on this from the SS and Police Leader in Warsaw, whose name was Strobe. The report is addressed to the General of the Police Krueger, and refers to the so-called solution of the Jewish question in Galicia.

Now I ask you, when did you hear of this solution of the Jewish problem in Galicia, and did you explore every possibility so as to prevent that solution from being possible?

A First of all, in this connection, I must state that an instrument of power of Himmler's existed which led to the fact that Higher SS and Police Leaders in the occupied territories became his immediate subordinates. Higher SS and Police Leaders in this connection--for instance, like Krueger--were under the SS and Police Leader, in other words, Strobe, in this case. Therefore, regarding an action which went from Himmler to Krueger and Strobe, no department in the Reich had been informed or participated, neither before nor afterwards. Such an order was unknown in Berlin as well.

Afterwards--though I can't tell you how long afterwards-- a report regarding the Warsaw Ghetto became known both in this country and abroad. It was written about, and accusations of the foreign countries reached us.

Yesterday, I started to state here that in this connection I had taken to Himmler the first document which showed the reaction to his measures and policies, that I did that after reporting to the Fuehrer in November of 1943. In this connection I certainly talked to him about Warsaw too, that it was one of the things he and his "final solution" were being accused of.

H0108 - 0009

Q I want to put a question here: When was the date of that report in comparison to that action against the Jews in Galicia?

A I can't remember when that action was. My reports to Hitler and Himmler were in November 1943.

Q I now come to a document which has been mentioned by the Prosecution--L-53, USA Exhibit 291. The Prosecution hold the Defendant, as chief of the security police and SD, responsible for the cleansing--as it is put-- of people at security police and SD camps and concentration camps. This document is a letter from the commander of the security police and SD at Radom, dated June 21, 1944, according to which the commander of the security police and SD in the Government General had ordered that all the prisons which are mentioned must be cleansed or cleaned out and that their inmates must be liquidated. Please, will you have a look at this document. Look at the sender, look at the signature, and make a statement, particularly regarding the question whether you knew of this.

A I draw your attention to what I have already said. This channel of command is out of the jurisdiction of the higher SS. The channel for orders--Himmler, Higher SS and police lader, and from him to his expert and from him to the commander of the security police--that channel hasnothing to do whatever with essential channels coming from Berlin.

Q In other words, you want to say that these higher SS and police leaders were immediately subordinate to Himmler?

A Yes.

Q Do you also want to say that you as chief of the RSHA had no possibilities of getting knowledge of orders and directives from such Higher SS and police leaders?

A It was out of the question. They were immediately subordinate to Himmler. There was one other channel which will be obvious and will arise when the Defendant Frank is questioned here. I have, of course, on the strength of my intelligence service heard repeatedly from abroad about such violations of the channels of orders. For instance, Krueger

H0108 - 0010

in the Government General was most violently attacked by me. It was due to me too that Krueger was relieved from his position in Cracow and removed, which must obviously be contained in Frank's diary.

Q I now turn to another document--1573-PS, USA Exhibit 490. The Prosecution are holding the Defendant as chief of the RSHA responsible that, under alteration of existing methods, slave laborers had been transferred to the armament industry. This document is a secret order, which once again is signed by Mueller. It is addressed to all police service departments. The date is June 18, 1941. The order refers to measures against the emigrants resident in the Russian theater of war, and it states that for the prevention of their return and for the prevention of any interference on their part the persons concerned may be arrested. Until further notice these people may not change their place of residence unless they have the permission of the security police, and leaving their place of work without permission would be punished with arrest.

Were these events known to you?

A No. I can still only point out that this is an order from Mueller which appeared one and a half years before my appointment. In its immediate meaning, and because of his tremendous power and authority, he found that there was cause to do these things.

Q How can you explain it that Mueller wasin a position at all to exercise such tremendous power, and that even during your term of office--1943-44--this state of affairs continued without that you had the possibility to stop the man? I now ask you wasit principally known to you that Mueller had these powers, and will you tell the Tribunal in connection with this what the size of Department IV of the secret state police was and how it might be explained that you weren't informed about those hundreds or even thousandsof orders and instructions?

A Mueller was the chief of the secret state police department. When he was appointed I don't know, but I must assume that it must have been 1943, 1944, or 1945. But much earlier, as I know today, he had

H0108 - 0011

the closest contact with Himmler and later with Heydrich. He originated from the Bavarian County Police, where he met Himmler. He had his personal confidence for at least twelve or fifteen years. He joined him in every action which Himmler carried out in pursuance of his aims as chief of the German police and helped him to carry them out. This confidence was continually increased for twelve or

H0108-0012

fifteen years and remained unshaken to the very last days of the war. Mueller for instance had the order to remain with Himmler, and in fact he did. Himmler relied on him as his blind instrument and relied solely on him. These things by-passed me absolutely.

THE PRESIDENT: Dr. Kauffmann, the question that you have put to him, or the questions which you put--you put several--he doesn't seem to be answering. The main question was whether he knew of these actions of Mueller. He is giving us a long speech now about how much confidence Himmler had in Mueller. He hasn't said anything else yet.

DR. KAUFFMANN: Mr. President, I think that this question particularly ought to be dealt with at some length, because what the Gestapo and Mueller are being accused of is what Kaltenbrunner is accused of as chief of the organization.

THE PRESIDENT: What I was pointing out to you was that you had asked him several questions in one, and the main part of the question was whether he knew that Mueller had these powers and was exercising them.

BY DR. KAUFFMANN:

Q Answer that question briefly and clearly.

A The relationship between Himmler and Mueller was so immediate and confidential that there was no cause for him to give me any reports. I had no knowledge, and Himmler expressedly, as early as September 1942, stated that the chiefs of departments four and five were his immediate subordinates, as had been the case since Heydrich's death.

Q Now, you are going to be accused, or it is going to be put to you, that based on such written statements and official proof it must be assumed that conferences of departments chiefs must have taken place between you and Mueller, and that it appears improbable that you weren't aware somewhat about the things which Mueller ordered. Isn't that accusation, at least to start with, based on fact?

A It appears to be, but isn't. What is called a conference of department chiefs here was something which didn't happen every day but three or four times a week. It was a joint lunch of adjutants, department chiefs, or any guests who might have been in Berlin at the time, and as such that atmosphere made it impossible that internal or secret events could have been discussed in front of all

H0108 - 0013

these people.

Q In 1943 and the following years were you always in Berlin, or I think I had better say were you mostly resident in Berlin, or did your work as chief of the intelligence service make it necessary for you to leave Berlin often?

A I was absent from Berlin a great deal. I think I can say that half of the working time was spent away from Berlin. I was only in Berlin from the moment that the headquarters were transferred there. That was the months of February and March, 1945. I was away from the 28th of March until April 15, then from the 19th of April until the last day I was not in Berlin. During the years 1943 and 1944 I didn't reach Berlin until May 1943, because up to that time I had my own organization in Vienna which I reorganized so that it could be taken over by my Berlin department. I think only once during the first week in February 1943 did I stay in Berlin so as to pay visits, and from the middle of Feb-1943 to February 1945 I was away for at least half the time. I have covered more than 400,000 kilometers by plane and car in my duties.

H0108 - 0014

Q What were your activities when you were absent from Berlin? Did you not have immediate and direct contact with Mueller during that time?

A Certainly not with Mueller. During all these journeys of mine in the entire Reich, I never entered one single service department of the State Police on any occasion. The exceptions are my visits to Linz where my family was living for a while and from which I used to send teleprints to my department in Berlin but only for technical reasons. I have no other ways of using a teleprinter.

Q I am now going to discuss an affair of which you are accused by the prosecution. To say in a few words, these are the facts. During the suppression of the revolt in Warsaw in 1944, inhabitants of the town of Warsaw were taken to concentration camps. The prosecution put the figure at 50,000 or 60,000. Further deportations are supposed to have ceased due to an intervention of the defendant Frank with Himmler and he, that person, had interfered since defendant Frank and the Secretary of State Buehler had asked you -- this should read that your person was included -- had asked you to get these people out of the concentration camps and return them to their homes. To begin with, I ask you, did such a conference on that subject take place in your office?

A A conference between Buehler and myself had taken place. The subject was quite different and I am asking you to let me state it. The so-called uprising of Warsaw was defeated in a purely military action. I think that the battle took place under the command of the Chief of the Anti-bandit units, under von dem Bach-Zelewski. What the units were that he was commanding, I do not know but I must assume that there were mixed troop units of the armed forces and the police. Any participation of my office in this purely military action is out of the question from the start. What Himmler and the troop units may have done with the prisoners, that was naturally not reported to me. The reason why Buehler came to see me was quite a different one. Frank, I think, for one or one and a half years had been trying to get Hitler to employ a different

H0108 - 0015

policy in the Government General. Frank was in favor of increased autonomy for the Polish people. In October 1944, I think, on the occasion of the National Polish Holiday, Frank had been planning to announce the extension of their autonomy. Hitler's refusal, in which he was encouraged by Himmler and various other factors, was in the way so he sent Buehler to me with the aim that I should make suggestions through the intelligence service, with the same aim, which is to say, participation of the Poles in the administration and at the head of the government and I agreed to both and told Buehler so, and then he went on to say on this occasion that "Frank wants a generous amnesty to be pronounced in Poland and that includes the release of the prisioners from the Warsaw uprising. Can't you help us with that?" So I asked him, "Where are those prisoners; probably Himmler sent them to prisoner of war and concentration camps?" And the answer was, and could have been in that case, that "he must have used them in the armament industry and it would be hard for you to get them out;" and at any rate, I couldn't work in that connection for the amnesty.

Q Would it have been possible for you, using your entire influence to bring out a release?

A During the time I was in office, as I have repeatedly stated during interrogations before the trial, I have received at least 1,000 individual applications for release and every single case was put before Himmler or sent to him -- put before him, into my report file, and mentioning them for verbal discussion when I reported to Himmler verbally. In two-thirds of all the cases I had some success in so far as he ordered their release but to such an extent as Frank was trying to get it through via Buehler, I neither had been able to get a decision or make a decision on my own; that was entire in Himmler's hands and it certainly meant diversion from the policy which he and Hitler agreed on regarding Poland.

Q I now put before you a statement from the witness Schellenberg. On January 3rd, this witness stated before this Tribunal, tha

H0108 - 0016

the evacuation of the concentration camp at Buchenwald had been ordered by Kaltenbrunner. "Kaltenbrunner," he said "had said 'yes, this is correct; this evacuation is due to a Fuehrer order which had been confirmed to him, Kaltenbrunner, by the Fuehrer'." Please give your explanation?

A The statement is quite definitely incorrect. It is incorrect because Hitler quite definitely never ordered an evacuation or even a non-evacuation of concentration camps. Such an order could only originate from Himmler.

THE PRESIDENT: Was there an affidavit or did he give the evidence, Schellenberg?

DR. KAUFFMANN: It was evidence given.

THE PRESIDENT: It was given in evidence, was it?

DR. KAUFFMANN: Yes, a statement here of the witness on January 3rd.

THE PRESIDENT: Yes.

DR. KAUFFMANN: But, then, who did actually give such an order?

A It could only have been an order from Himmler. The channel of command is quite clear, Himmler-Pohl-Gluecks, and the Camp Commandant. It isn't impossible that Himmler may have given the order direct to the commandant of the camps. That I don't know.

Q I want to interpose a question. Did you gain knowledge of the orders?

A No, I didn't hear of them nor would these orders in any way have had to be taken to me, since I had ordered exactly the contrary regarding Mauthausen, and this is why in the case of Mauthausen I gave an order for the first and only time and that was something which I propose to state later, in connection with the powers given to me in April 1945. Until then, I never had any possibility to give any such order on behalf of Himmler.

Q In the same connection, I am mentioning the statement made by the witness Berger, given here on January 3rd. I am reading one or two sentences. The commandant of Dachau says that Berger became his deputy, or his deputy telephoned about twelve o'clock and

H0108 - 0017

stated to me that he had received this order, the order for the evacuation from Kaltenbrunner after the Gauleiter of Munich had been asked by the Reich Commissioner. My question now. Do you know anything about the evacuation of Dachau?

A No. This statement of Berger must be doubted quite definitely because he was the man who had been given authority by Himmler, concerning Bavaria and all the military territory near the front, which was given to him the same day I had my authority or my powers regarding Austria given to me.

Q Can you tell me, did the concentration camp at Dachau come under Berger in accordance with these new powers or did it possibly come into yours?

A Since Dachau is near Munich in Bavaria, it must have come under Berger.

Q Was Dachau evacuated at all?

A I don't know; I have never been to Bavaria after, I think, the 19th of April.

Q The witness refers to the date, 23rd of April 1945, or he says a little later. Where abouts were you at the time?

A On the 19th of April, three o'clock in the morning, I left Berlin and went via Prague to Linz and then to Innsbruck; wanted to go to Innsbruck where I wanted to meet Burckhardt's representatives. From that moment onwards, I lost touch with Berlin and I did not set foot on Bavarian soil or give orders there. My territory was defined by the Austrian Border.

Q How can you explain this statement.

A The only way I can explain it is, that this must be a mistake and if Berger were confronted with me here, I am convinced the whole thing can be cleared up.

H0108 - 0018

Q Could there have been an evacuation order signed by Himmler?

A Certainly, perfectly possible.

Q Among other things you have been accused of having committed a crime against peace. Will you tell the Tribunal whether and if so what you have done during your time of office with regard to trying to end the war?

A I commenced my position on February 1, 1943. The situation which I found in the Reich was such that with the effects of the fall of Stalingrad -- to be more exact February 2, 1943 -- and in accordance with my convictions the war must have been regarded as lost for Germany. The conditions which I viewed from a completely different viewpoint coming from Austria just confirmed that opinion of mine completely.

I think it was on the 2nd or 3rd of February that I talked to Secretary of State Luther in the Foreign Office and I was talking to him at half past eleven in the morning. We were talking about foreign political intelligence tasks which we would have to carry out together and it went on until two in the afternoon and at four o'clock in the afternoon the same Secretary of State Luther was arrested by the Gestapo.

I do not think I could find any more practical example regarding the atmosphere in which I found myself transferred and how such events as this --

THE PRESIDENT: What is this in answer to? What is the question it is in answer to?

BY DR. KAUFFMANN:

Q You ought to come to the point a little more quickly, namely, what you did to bring the war to the quickest possible end?

A I could quote a lot of arguments in this connection but my first efforts were in the spring of 1943. But I think it was even in February 1943 when I favored a completealteration of the church politics and when I considered the Vatican as a preferred medium of achieving peace. That was my first effort in that direction.

Q I now wish to mention the name Dalles, a Mr. Dalles. Did you have direct contact or indirect contact with him and what was the purpose of your taking up those connections?

A Yes, I was in contact with him through Hoettl. Since May 1943 I, together with Hoettl and others, was leading the political opposition in

H0108 - 0019

Auztria over to our side step by step and I met there contacts from foreign countries in favor of peace. Through these channels Roosevelt's representative was reported as being present in Switzerland.

Q I want to ask you a question in that connection. What would have happened if Hitler or Himmler had heard of that attitude of yours?

A My order to Hoettl and my knowledge of his activity was, if you interpret it strictly, high treason since the Fuehrer's views were known to me at the time and they were that there should be no contact regarding peace or any discussions about peace. That opinion was stated to me by Hitler in the presence of a certain Wolf and as late as the 15 of April 1944.

Q In the course of this so-called peace policy which you have described, did anyone make journeys to Switzerland so as to make contact with that man Dalles?

A Yes, there were a number of journeys and that was not only by Hoettl. There were several other persons. For instance, I can draw your attention to a discussion which I had with Count Pototsky, whom I also asked to get in touch with the same circles and impart the same information on to Anglo-American circlesalso in Switzerland.

Q In that case I think we can leave this subject. In my opinion you have related the essential parts.

A But, of course, there was not only that attempt, there were numerous others.

Q I now come to your contact with the President of the Red Cross Professor Burckhardt and I ask you, is it true that in 1945 you had a conference with Professor Burckhardt with the aim that camps, prisoner of war camps and concentration camps should be opened to the Red Cross so that medical supplies could be taken into these camps?

A I tried to get into contact with Burckhardt for a long time and I was helped by the fact that he himself was trying to meet Himmler but Himmler did not get Hitler's permission for such a meeting because he at that time was the commander on the northern front of the River Weitzel and a meeting with Burckhardt could only have taken place there at the front. I tried, therefore, to arrange a meeting between Burckhardt and a responsible personality in the Reich or to take it upon myself and after a lot of ado and in spite of all the

H0108 - 0020

difficult ies I succeeded and a personal meeting with Burckhardt was held on March 12.

Q Did you come to an agreement and in any such agreement was any help given and in what manner?

A Yes, considerable help came. An agreement was reached, according to which all foreign civilian detainees, with the help of the Red Cross, were to be taken from all camps in the Reich and released to their home countries. But in the first place by granting Burckhardt's request during these discussions I achieved the aim that the leading departments of the Reich would be prejudiced by me to such an extent that they could no longer detach themselves from this agreement and that I think was my greatest success with Burckhardt.

Q Is it true that to get two or three thousand French and Belgian detainees through the front line you got in touch with Kesselring at his headquarters?

A I sent a wireless message to that headquarters just as the Americans and British had to get prepared so the Germans too would permit this number of people to go through the lines.

Q That is enough.

THE PRESIDENT: Dr. Kauffmann, he said March 12 but he did not give the year.

DR. KAUFFMANN: I do not understand -- yes, March 12.

THE PRESIDENT: What year?

DR. KAUFFMANN: 1945.

BY DR. KAUFFMANN:

Q What is the total number of people who, due to your intervention, reached their homeland?

H0108 - 0021

A You have got to refer to two different periods. The first period which is period before the personal meeting on the 12th of March and the period after that.

Q But in my opinion you can give me a brief answer to that question. We are not really concerned with the period.

A At least six thousand civilian detainees coming from France and Belgium and all the eastern European states including the Balkan states were included in these talks. At least fourteen thousand Jewish detainees were handed over to theRed Cross for their immediate care at Theresienstadt. This applies to the whole camp at Theresienstadt.

Q And is it correct and please either answer it in the affirmative or if not very briefly, whether it is due to your intervention at Lake Constance, there was a special liaison department with the Red Cross which was serving the purpose of helping the carrying out of this program.

A A liaison department was established at Constance.

Q That is enough.

The Prosecution holds you responsible for a wireless message you are supposed to have sent to Fegelein in which it says: "Please report to the Reichsfuehrer that all measures regarding Jews, political and concentration internees in the protectorate, have been carried out by me personally today."

Did you send such a wireless?

A It was not sent because it --

THE PRESIDENT: What is the number?

DR. KAUFFMANN: Mr. President, I did not mention a number. It was not presented in Court but it is contained in the trial brief on page 14.

THE PRESIDENT: I think it is 2519-PS. It was presented to the Court.

A (continued) The wireless message was planned -- the text probably was written by the adjutant who was accompanying me. I did not write it personally and as I say it was not sent.

On April 19, 1945 I had been given authority in accordance with the discusions with Burckhardt I would act independently (1) with reference to foreign civilian detainees and regarding the entering of all camps by the Red Cross. On that occasion I stated in Hitler's and Himmler's presence that

H0108 - 0022

my route would go through Prague to Linz and Innsbruck and that I would pass by Theresienstadt and I said that there were not only Jewish detainees there who were to be looked after by the Red Cross but also Czechs, political detainees. I suggested that their release should also be carried out and that is the explanation for that wirelessmessage. But not until the 19th of April at six o'clock in the evening was I given these powers.

Q But the Prosecution might assume from that statement, and rightly so, that you might have had jurisdiction over concentration camp questions. Please answer that question with yes or no, the one I am going to put to you.

Is it true that the powers you have mentioned given to you on April 19, 1945 were the first powers in that sphere altogether..

A Yes, otherwise a renewed authority or renewed power would not have been necessary.

Q In a speech Himmler made on the 3rd of October 1942 at Posen which he delivered to the higher SS Police Leaders you are called Heydrich's successor. The Prosecution consider that this is a confirmation of the entire executive power and the extra-ordinary powers and authority you had.

Does this formal expression which was certainly used in this connection do justice to the situation or not?

A No, I definitely refuse to admit that and I have done so during interrogations. I deny that I was Heydrich's successor or that I had been called that. If in my absence Himmler referred to me as such or if earlier on such a notice was published in the press coming from him, then this was done without my knowledge, and without my wish and the first time in connection with that press notice there was a violent reaction on my part. The day which you mentioned here I was sick in Berlin with an inflamed artery and therefore did not join that discussion.

Neither did any powers nor any authority permit any comparison with Heydrich and I want to say quite briefly now that to the very last day of my activity I was paid 1,820 marks, which is the salary of a general of the police and that Heydrich's income from him office was more than thirty thousand marks, not because he was paid for a higher rank but in recognition of the fact that he had a completely different position than I did and a comparison is completely out of the question.

H0108 - 0023

Q Now, my next question. Is it correct that Himmler was frightened of Heydrich and this because Heydrich had been given too much authority and that for that reason he thought that by calling on you he had found the very man who to him, Himmler, would be no longer in danger at all? In this connection the Prosecution have drawn a parallel between you and Heydrich, and, as I just said, have described you as the second Heydrich.

H0108 - 0024

A The relationship between Himmler and Heydrich can be characterized as follows: Heydrich was by far the more intelligent of the two. He was--

THE PRESIDENT: Dr. Kauffmann, we do not want to know anything about Heydrich's intelligence. The witness has said over and over again that he was not his successor.

BY DR. KAUFFMANN:

Q In that case I will repeat the question which I put earlier, and which is the following:

Did Himmler by calling on you find a man whom he considered to be of no danger to him, Himmler?

A He never wanted to give executive powers as Heydrich had in his hands; he never wanted to lose such powers ever again. The moment Heydrich was dead, Himmler took over the entire department and never gave the executive powers away after that. On one occasion he had the experience as to how dangerous the Chief of the Security Police can become in the person of Heydrich. He wasn't going to run that risk a second time.

Q In other words, what you want to say is that after Heydrich died, Himmler retained the executive powers in his hands?

A Yes.

Q Now, another question. You had stated yesterday that the conception of the so-called "final solution" didn't reach you until afterwards. In effect, instructions from Himmler to Heydrich and to Eichmann are available as early as 1941 or '42. Is it true that you frequently met Himmler and you were a friend of Himmler's?

A It is utterly wrong to construct a relationship between Himmler and myself and call it friendship. Just like every other official, I found that his attitude and treatment toward me was cool. He wasn't a man who had any personal contact or relationship to anyone.

Q It appears that, if I place myself in the position of

H0108 - 0025

the Prosecution, you might possibly have had knowledge of that "final solution" if you met Himmler frequently and had direct contact with him. I, therefore, ask you again, didn't Himmler at some time or other put to you clearly what this "final solution" was?

A No, he didn't. I said yesterday that, on the basis of all documents which accumulated during the autumn of '43 and the summer of '44, including reports from any enemy broadcast, I came to the conviction that the statement regarding the destruction of Jews was true, and that, with this conviction which had ripened within me, I immediately went to see Hitler, and forty-two hours later I went to see Himmler, and I reproached them both and said that I would not for one single minute lend my hand to any such action. Beginning with that moment--

Q Yes, well, you said so yesterday. You needn't repeat it.

THE PRESIDENT: Dr. Kauffmann, you told us yesterday that you would finish in an hour; you have now been nearly an hour and a half.

DR. KAUFFMANN: I have only two or three questions.

BY DR. KAUFFMANN:

Q The trial brief of the Prosecution contains a statement of Schellenberg, and it runs as follows:

"What am I going to do with Kaltenbrunner? He would have had me under his thumb in that case."

This is stated by Schellenberg in an affidavit, and it is supposed to have been said by Himmler. Please, will you give a very brief statement regarding the fact whether you would consider such a statement possible or probable?

A I don't consider it probable. If he did say this, then it can only have been in connection with--

THE PRESIDENT: The Tribunal does not think that is a possible question to put to the witness.

DR. KAUFFMANN: In the trial brief a document of this

H0108 - 0026

kind has been presented by the Prosecution but, if the President does not wish that question, I shall withdraw it.

THE PRESIDENT: It seems to be merely a matter of argument, and you cannot criticize this affidavit, if the affidavit is in evidence.

BY DR. KAUFFMANN:

Q So, I now come to the last question. I ask you whether the possibility existed that you, after you gradually became aware of conditions within the Gestapo and concentration camps, could have brought about a change? If that possibility did exist, can you say that by staying on in your position you achieved an alleviation and an improvement of conditions?

A I have repeatedly tried to be posted to the front, but the most burning question which I personally had to decide was: "Will the state of affairs be improved or altered or is it your duty to do everything that can possibly be done to change all these conditions?"

Upon repeated refusals on my request to be posted to the front, I had no alternative, therefore, but to make every attempt personally to alter a system, the ideological and legal basis of which had been proved by all the orders which had been quoted here, could not be altered by me, and everything that I could do was to alter these methods and assist in having them finally removed.

Q Did you consider it possible in your conscience still to remain?

A In my opinion, the possibility to influence Hitler and Himmler repeatedly, again and again, was the reason why I couldn't in my conscience leave my position. I considered that it was my duty that I should fight against the wrong personally.

DR. KAUFFMANN: Mr. President, I have no further question.

THE PRESIDENT: The Tribunal will adjourn.

(A recess was taken.)

H0108 - 0027

THE PRESIDENT: Do any of the Defendant's Counsel wish to ask any questions of the Defendant?

BY DR. DIX (Counsel for Defendant Schacht):

Q Can you tell me Witness, that Schacht before he was taken into custody by the Allied Powers, had been in a concentration camp?

A Yes.

Q How long have you known that?

A Since his wife told me in a letter, and I believe that she requested me to call--so that she might call and visit her husband.

Q And about when was that?

A I assume around Christmas, 1944.

Q Can you tell me something about or can you picture at whose suggestion Schacht was interned in a concentration camp?

A As far as that question is concerned, I believe I received a letter from Schacht's wife and sent it the same day to the office of the Adjutant to Hitler, or to Fegelein. I received word that Himmler was to be consulted in this matter. Some time later I learned that Schacht on Hitler's decree or order had been interned and for the reason that he was suspected of working together with G oerdeler or perhaps another collaborator, inv olved in high treason and assassination in July, 1944.

Q I have a letter I received a short time ago. It is written by a former concentration camp inmate, written by Obersturmbannfuehrer Stawitzky. Do you know him?

A No.

Q He was the last commandant of the concentration camp at Flossburg. In this letter I am told that this Stawitzky told him he had been ordered to murder Schacht with the rest of the special internees. Do you know anything about such an order for murder, as far as Schacht is concerned?

A No.

Q Do you consider it possible that Stawitzky might have decided on such a step through his own authority?

A No.

H0108 - 0028

Q Then may I interpret your answer to be such a decree or instruction could come only from Hitler or Himmler, and if such an order went out--

A Yes, you may assume that. As far as Schacht together with the other special internees, like Canaris, etc., is concerned, Hitler himself would have been the only person who could have ordered anything like that.

DR. DIX: That is all.

BY DR. MERKEL (Counsel for the Gestapo):

Q Witness, the Prosecution contends that the Secret State Police in the years 1942 to 1945 had forty to fifty thousand members. What can you tell me about those figures?

A I believe that this figure is slightly too high.

Q What is your statement?

A I would assume thiry-five to forty thousand.

Q How many Stapo officials were in the occupied countries, the approximate number, that is?

A That I can't tell you even approximately, but I believe I have heard a figure for the occupied region in France of perhaps 800 people

Q Can you tell me to whom these officials in the occupied countries were subordinate?

A In the occupied countries, to the Supreme Commanders of the Security Police.

Q Can you tell me anything about the offices of the commandants of the Sipo and SD in the occupied countries? Kripo officials, that is, officials of the Criminal Police, had tasks of a State Police nature?

A That is possible.

Q Can you tell me about whether these officials who were organized into the special action groups were excluded from the sphere of the State Police and were acting in a special sector or had a special task aside from the State Police functions?

A I believe that is so, but they received their pay nevertheless in that department, even though they were personally not responsible to it, but as far as orders were concerned, their orders came from a different

H0108 - 0029

source.

Q How were the members of the State Police organized, that is, officials who had purely administrative functions?

H0108 -0030

A At least twenty per cent had purely security police functions; the same number for the largest volume were the technical personel and other subordinate personel.

Q The technicians, teletypists, others officer personnel, including clerks and so forth, about how many?

A If the first group is twenty per cent, that is administrative, and then twenty percent for executive personnel; then the rest, 60 per cent, that remained, fall into two large groups of 30 per cent each. Technical, auxiliary forces and the other group, office forces --

Q Tell me in one brief sentence the aims and tasks of the State Police.

A I believe they have been explained and mentioned repeatedly. The State Police had for its main function as in every other country, the protection of the State from any attack coming from within.

Q The Prosecution contends that the membership, as they called it of the State Police, was voluntarily recruited. What can you say to that?

A I believe that contention cannot be maintained and cannot be proved. I would like to say that those officials were in existence in 1943, and consisted of officials who had been police officials at that already, in 1943.

Q And how, in what way, did they come to the State Police?

A Yes, they were transferred. Of course, there was a State Police in existence prior to that time; it was not called the State Police -- I believe it was called the political police at that time.

Q Then the personnel was expanded along with the personnel of every other State office ?

A Yes.

Q As far as the actual orders of the Reichs Sicherheits Haupt Amt were concerned, the Fuehrer decreed that No. 1 -- as far as keeping secrecy was concerned -- no one was to know more about a thing or matter than he had to know. Did that apply in the office of the RSHA?

A Yes, this decree applied not only to the Wehrmacht but to the entire internal executive power for all adninistrarive offices and I believe this was announced and publicized in every office of the Reich. Of coursem we were especially keen on observing this order in the police sector.

H0108 - 0031

Q Do you know anything about the 1 - 10 - 1944 decree? The entire border custom protection which had been under the Reich Finance Office up until that time was transferred to the Amt IV of the RSHA. Did that transfer take place?

A Yes, that took place on the order of Hitler in the fall of 1944, I believe September 1944. It was transferred to Himmler and it was taken out of the sphere of the Reich Finance Ministry.

Q Do you know how many members were concerned in that, how many people?

A In the beginning there were approximately 50,000 people involved but at this time I think there were about 10,000 people less, because recruiting had taken place and these 10,000 had been lost to the Wehrmacht; some of the younger men were in the fighting forces.

Q Can you tell me in one sentence the function of the Zollgrenzschutz the Customs and Border protection?

A As the name implies, the financial sovereignty of the Reich had to be protected through the border police.

Q Can you tell us perhaps that at last approximately 40,000 men went to the Gestapo voluntarily?

A No, that was an order.

Q Something different from the Zollgrenzschuts is the actual border police. Do you know that it was in 1945 --

A Yes, it was; Mueller was General Border Inspector of the Reich.

Q Tell me in one sentence the tasks of his Grenzpolizei -- border police.

H0108 - 0032

A The Border Police at the border, the airports, roads, highways, checked passports and was active in those spheres.

Q Was this task different than before 1943?

A No.

Q Did it vary fr m the customs police in other countries?

A No, it was the same.

Q What was the relationship of the State Police to the SS? Did they enter the SS voluntarily, or was it on the basis of an order?

A Voluntary enlistments were relatively few. I know that later Himmler, as far as promotions were concerned, was a little more restrictive and reserved if the official did not belong to the SS, so that in that way enlistments occurred, perhaps not from inner convictions but from a desire to be promoted.

Q The larger part then came in?

A Yes, it was all managed through the promotional system through Himmler.

Q Did the members of the State Police and the officials have the opportunity to leave their offices?

A No.

Q A large part of the State Police, because of an emergency, were required to serve on the "Notdienst." Can you explain that?

A That is not true of that part who had. As far as the other personnel were concerned, there were more who were liable for this service, pspecially after the war had taken place. The personnel toward the end was recruited from the members of the "Notdienst", and the personnel could be kept up. That is especially true of the technical and office personnel.

Q Did these members enter voluntarily?

A They had no choice. In connection with the lab r offices, they were put into the "Notdienst" as the place where the Reich needed them.

Q What happened to the members of the State Police who committed infringements or committed excesses or other misdemeanors?

A The same applied to them as to everyone else. All organizations

H0108 - 0033

who were subordinate to Himmler. There was a special police court for them. In one sentence I can characterize this system by saying that on the whole the sentences were more severe and passed more often than in a regular civil court.

Q It has been asserted that for an offense, because he had taken some matters from sone one, that he had to serve in the penitentiary. Was that true?

A Yes, he did receive that sentence.

Q Do you know who came to the concentration camp Danzig-Matzgau?

A In that concentration camp, which was an SS punishment camp rather than a concentration camp, every one who was taken there was sentenced by SS or police courts.

Q Could Gestapo members, especially of a higher rank, visit a concentration camp?

A Only with the express approval of Pohl or Gluecks.

Q Is that also true of the higher SS and police leaders for the camps which were under your jurisdiction?

A I could not say that with assurance or certainty, but I think they could apply to make these visits.

Q Do you know the so-called "severe measures of interrogation", and can you find those in other states?

A I was present at the International Criminal Police Commission, and I had the opportunity in the fall of 1943 at a session to speak about this topic, and from my reading in the foreign press, I gathered that each police system of each state has such measures.

Q Could a state--

THE PRESIDENT: What happened at some international police commission does not seem to be relevant to anything in this case.

DR. MERKEL: I only wanted to question the defendant on whether these severe measures of interrogation were in existence not only in Germany but also in other states.

THE PRESIDENT: We are not concerned with that.

DR. MERKEL: The more severe measures of interrogation are used as an incriminating statement for this witness.

H0108 - 0034

Q Could a state police officer who had given a protective custody order which was limited in time think of corporal punishment or death at the commitment of the internee?

A No, not with an order of that kind.

Q Was there a so-called Haftpruefungsverfahrung, an investigation? Did that apply to the inmates of the concentration camps?

H0108-0035

A Yes, in peace and in war. Three times in peace and twice in time of war, and that was applied to every protective custody internee. This investigation was not just a matter of the State Police. This result had to be received from the camp commandant, and these reports had to be given to the Inspector of the Concentration Camps. He, in turn, had to deal with the State Police about this matter and about this internee.

Q The Prosecution talked about mistreatment in the occupied western countries, France, Holland, Belgium, Norway, and has brought evidence to that effect. Were there any instructions from the RSHA as far as torturing was concerned?

A No, certainly not.

Q How do you explain the fact of this mistreatment?

A The mistreatment with which the State Police is charged--I have never heard of that. In my opinion, the excesses of individuals might be involved, but a decree to that order certainly was never issued.

Q Do you know that in the occupied countries, members of the resistance party and criminal elements masqueraded as members of the German State Police in order to facilitate their tasks?

A That has been repeatedly stated, but I do not remember any such thing or having seen anything like that.

DR. MERKEL: I have no further questions.

BY DR. HAENSEL (Counsel for the SS):

Q Witness, in the year 1932 you entered the Austrian SS, according to the testimony.

A Yes.

Q Was there a difference between the Austrian SS and the German SS, or was it a unified group?

A There was a certain organizational similarity, but that took place after the Anschluss. Up until the time of the Anschluss, the SS in Austria can not be differentiated from the SA or from the Party.

Q Tell me, as far as members are concerned, the numbers of the

H0108 - 0036

Austrian SS, to which you belonged; first of all, before the Anschluss in 1938 and at the time at which you entered. What was the difference in numbers, and how did the development take place?

THE PRESIDENT: Too fast.

Q How, as far as figures were concerned, did the development of the SS, to which you belonged, take place?

A I believe that at the time of the Austrian Anschluss, the maximum membership was perhaps 7,500.

Q Did that group in Austria play the role of a fifth column? Is "fifth column" a concept as far as you are concerned?

A Yes, "Fifth column" became a concept to me through the statements of the enemy, but to term the Austrian SS a fifth column is entirely wrong. The Austrian SS never had the task of being an intelligence unit or a sabotage unit. It never had any task like that.

Q In the Austrian SS, to which you belonged, was the intention through force to bring about the annexation of Austria to Germany to be seen, or should this be brought about through plebiscites, through legal measures?

A There was not a plan of annexation by force. There was never any necessity for any such step, for the Anschluss movement was very strong in itself.

Q It has been asserted that the SS Standarte 86--

A That might have been the one at Vienna.

H0108 - 0037

Q Do you mean the standarte which appeared at the Dolfuss Putsch? Can you tell me something about that? Did the work of this standarte have any connection with the assassination of the Austrian Chancellor?

A I consider that incorrect. I must say that this standarte did not have the number 86, but 89.

Point 2, the group which had entered the Chancellory on the 21st of June of 1935 was not a group of the SS, but a group of former members of the Austrian Army who, because of National Socialist activity, had been discharged from the Army.

In that connection I do not know of anything further, but that at that time highest Austrian Police Leader, Dr. Skubl, should be able to give you information about that. I believe he has been asked for as a witness in another case, and I ask that you question him about this matter.

Q So far as the entry of the troops on the night of the 11th of March, 1938- can you remember that date? Which troops, according to your recollection, did march in? Were they SS units, or were they other units? Were they regular Army units, or were any SS units at all connected with that? What is your recollection?

A My recollection is such that, first of all, they were Wehrmacht units, and there was one regiment of the Waffen SS, I can't recall which one, perhaps the Standarte Deutschland.

Q Which of these units took part, and what is the proportional figure between the Wehrmacht and the Standarte Deutschland? That is, approximately.

A The Standarte Deutschland at that time, perhaps, had 2800 men. So far as the Wehrmacht is concerned, I don't know how many units there were.

Q In order to establish the relationship, according to your idea, what is the entire figure of SS men? I would like to make it a little easier for you..I have seen a letter in which it is stated that in all a membership of three quarters of a million to one million men existed. Is such a figure correct?

A One million is much too high. With all parts of the SS together, including the Allgemeine SS, the General SS and the Waffen SS, including the SSmembers in police activity, I believe the figure is 720,000 to 750,000 men. Out of that number, at least 320,000 to 350,000 men died in action.

These losses might even be a little higher than what I have just stated, but

H0108 - 0038

I believe the exact figure might be found out from one of the defendants of the Wehrmacht.

Q As far as this entire membership is concerned, how many men do you believe so far as you are able to determine, were connected with concentration camps; that is, with the supervision, administration, and so forth? Can you give me any figure as to just how many were so connected?

A That is a question that is rather surprising to me, and I am sorry I cannot answer it immediately. In order to make calculations, I would have to have pencil and paper.

Q Could you, through your own Knowledge--

A Of course, only a small fragment of the entire figure would be concerned in these duties.

Q Did those SS members--no matter how many or how few they were-- who were not connected with the administration of concentration camps have any idea of administrative conditions or of things that took place?

A Certainly not.

Q How can you tell me that with such certainty?

A I know that as to concentration camps, because of the delimitation by Himmler or through his organization, no information could get out.

Q As to the officials of the Security Amt which you headed, were those officials recruited from the SS?

A No, not at all. So far as confidential men and collaborators of the Security Police in Germany itself were concerned, the ratio of members--

H0108-0039

that is, those belonging and not belonging to the SS--was 5 to 100.

Q Therefore, for 100 officials there were 5 who had come through the SS?

A Yes.

Q According to your knowledge were there regulations, as far as the physical mistreatment of concentration camp internees was concerned, which included this mistreatment, and was that known?

A Yes, from each of the police offices. They were printed instructions, and every SS man knew of these regulations; they were laws. They were punished heavily if anything like that was reported or appeared to have taken place.

I do not know in what scope the SS camp Danzig-Matzgau came into the hands of the enemy, but I am convinced that those who were there, who were punished severely so far as mistreatment of concentration camp internees was concerned, can give information about that.

DR. HAENSEL: I have finished, Your Honor.

THE PRESIDENT: Does the prosecution wish to cross-examine?

CROSS-EXAMINATION

BY COLONEL AMEN:

Q Defendant, in order to shorten as much as possible the time of this cross-examination, I want to be sure that we understand each other as to just what your position is as to several specific items.

Now, first, you concede that you held the title of Chief of the RSHA and Chief of the Security Police and SD from the end of January 1943 up to and including the end of the war. Is that correct?

A Yes; it applies with those limitations which I enumerated yesterday as far as my limitation of power was concerned.

Q And when you speak of those limitations, you are referring to this supposed understanding with Himmler? Is that correct?

H0108 - 0040

A It wasn't a supposed understanding with Himmler, it was something which existed. It was a fact which existed from the first day, that I had the task of establishing an intelligence service, and that he would retain the command in the other sectors.

Q Well, in any event, you concede that you held that title, but you deny that you exercised some of the powers? Correct?

A Yes.

Q And this title which you held was the same title which was previously held by Heydrich, who had died on the 4th of June, 1942? Is that correct?

A Yes.

Q There was no change in title?

A No.

Q And you testified that you assume responsibility for all of the things which you did personally or knew about personally. That is correct, is it not?

A Yes. I would like to add that my title received an expansion on the 14th of February, 1944, when the Military Intelligence Service of the OKW, Abwehr, was transferred to Himmler by Hitler, and then my title as Chief of the entire Reich Intelligence Service was known in other departments.

And I might add also, perhaps, that the capacity of a man or of an office, which not only took in the whole of the Reich but abroad also--that is, anything like that is not publicized. I might refer to Lngland, where the Chief of the Secret Service over there--

Q Defendant, will you please try to confine yourself to answering my question "yes" or "no" whenever possible, and making only a brief explanation, because we will come to all these other things in due time. Will you try to do that?

A Yes, very well.

H0108 - 0041

Q Did you have any personal knowledge or anything personal to do with any of the atrocities which occurred in concentration camps during the war?

A No.

Q And therefore you assume no responsibility before this Tribunal for any such atrocities? Is that correct?

A No, I do not assume any responsibility in that regard.

Q And, in that connection, such testimony as has been given here by Hoellriegel, for example, to the effect that you witnessed executions at Mauthausen, you deny? Is that correct?

A Yesterday I was accused, and was told of the testimony of Hoellriegel. I declared his testimony wrong, or false, that I at any time ever saw a gas chamber, either in operation or at any other time.

H0108-0042

Q Very good. You had no personal knowledge of and did nothing personal about the program for the extermination of the Jews, is that correct, except to oppose them?

A No. I was against this program, of course; but from the moment when I knew of this as facts I objected with Hitler and Himmler, and the result was that they were stopped.

Q And therefore you assume no responsibility for anything done in connection with the program for the extermination of the Jews, right?

A Yes.

Q And does the same thing apply to the program for forced labor?

A Yes.

Q And the same thing applies, does it not, to the razing of the Warsaw ghetto?

A Yes.

Q And the same thing applies to the execution of fifty fliers in connection with Stalag Luft 3?

A Yes.

Q And the same thing applies to the various orders with respect to the killing of enemy fliers, correct?

A Yes.

Q And, as a matter of fact, you made all of these same denials in the course of your interrogations before this trial, correct?

A Yes.

Q And you still make them today?

A Yes. But as far as the preliminary interrogations are concerned, I would like to make a statement to that in cross examination.

Q Well, when we come to the proper place let us know.

Is it or is it not a fact that the Gestapo, Amt IV, RSHA, prepared reports on concentration camps which were submitted to you for signature and then passed on to Himmler?

A No. I do not recall any such reports. The normal channel was that Mueller reported to Himmler direct.

Q Do you likewise deny --

A I might like to add that of course certain matters existed in which

H0108 - 0043

I had to be informed for several reasons. The domestic proceedings, such as the attempted assassination of July, of course I knew about that, but not through Amt IV.

Q I am speaking of the general course of activity and not of any special exceptions, you understand.

A Yes.

Q You likewise deny that Mueller, as chief of AmtIV, always conferred with you with respect to any important documents?

A Yes. I not only deny it but the facts speak against it. He had direct authority from Himmler. He had no reason to discuss this matter with me before.

Q I ask that the defendant be shown a document, L-50, which will become USA Exhibit 793.

THE PRESIDENT: Hasn't this been put in before?

COLONEL AMEN: No, Your Lordship, I am told it has not.

Q By the way, were you acquainted with Kurt Lindow, who makes this affidavit dated 2 August 1945?

A No.

Q Although he was an official in the RSHA until 1944? Let's read together paragraphs 2 and 4 only. I won't take the time of the Tribunal to read paragraphs 1 and 3. Two, you will note, reads as follows:

"On the basis of general experience as well as of individual cases I can confirm that the Gestapo (office IV) wrote reports about practices of the administrative authorities in the concentration camps and that these were given by the chief of office IV to the Chief of the Security Police for signature and were submitted to the Reichsfuehrer Himmler."

A May I reply to thatimmediately?

Q Yes.

A It might be proper perhaps to read paragraph 1 also.

Q Please make it as brief as you can.

Q Paragraph 1 seems to be important, for in paragraph 1 it says that the witness Lindow, from 1938 until 1940, was in this department in which such reports were written -- that this man worked in this Department. In 1940-41 he was in counter-espionage; in 1942 and 1943 for the combatting of

H0108 - 0044

communism; and later in the department for education of office I. I believe, therefore, that his testimony in paragraph 2 that he knew of the activity of the Gestapo, that thorugh the chief No. IV reports were submitted to Himmler about happeneings in concentration camps, only the time 1938 to 1940 is involved. The later period

H0108 - 0045

of time, from his own testimony, he has no personal experience and observations.

Q Well, in other words he is not telling the truth as it was at the time when you were active in RSHA, correct?

A I have not read that much.

Q I am calling your attention to two paragraphs. We have already covered 2, and now we will read 4:

"To my knowledge no chief of office or any of the officials of the RSHA authorized to sign had the right to sign in any fundamental affairs of particular political significance without consent of the Chief of the Security Police--not even during his temporary absence. From own experience I can furthermore declare that particularly the chief of office IV, Mueller, was very cautious in signing documents concerning questions of general nature and in some cases of greater importance, and that he put aside events of such nature in most cases for the return of the Chief of the Security Police, whereby alas often much time was lost.

"Signed: Kurt Lindow."

A Yes. I would like to make two statements: First, this assertion is contrary to the testimony of several witnesses who know of the extraordinary authority and independence exercised by Mueller, who testified to his independence and authority.

Point 2: The description of Lindow is applicable to that period of time in which Heydrich was active--that is, the time between 1938 and 1940, in which Lindow could observe things. But this does not apply to the period in which Himmler gave direct orders to Mueller, and it was Himmler's prerogative, for my tasks were of such scope that it was almost impossible for one man to handle the work that I did.

Q I don't want to spend too much time on it now, Defendant, but the paragraphs which I read you conform to the testimony of Ohlendorf before this Tribunal, do they not?

A The testimony as given by Ohlendorf was shown to me yesterday by my Counsel. But the testimony as given by Ohlendorf leads us clearly to see

H0108 - 0046

that any executive order or power, even for protective custody--and he used the term "up until the last washerwoman"--that Himmler was competent for all of these things, and he delegated this authority only to Mueller. He did add, however, he did not know that such a limitation of power was so in my case and whether perhaps I might not have had powers, but with assurance and certainty he could not state that. And the rest of his testimony contradicts my ever having such broad authority.

Q We all know what Ohlendorf's testimony was. I merely want to ask you if you accept the testimony of Ohlendorf. You told us in the course of interrogations that you had the most contact with Ohlendorf and that you would trust him to tell the truth before any of your other associates, is that not correct?

A I do not recall the last statement. The first statement, that he was one of my chief collaborators, is of course true and justified and is proved by the fact that he was chief of the intelligence within Germany, which was a part of my intelligence service. All domestic political reports--reports about German spheres of life--I received from this Amt III. That is besides the other departments which I worked out myself.

Q Shortly after Easter 1934 you were under arrest in the Kaisersteinbruch detention camp?

A What year was that, please?

Q Thirty-four.

A Yes; from the 4th of January until the beginning of May.

Q Did you ever, in company with other SS functionaries, make an inspection of the Mauthausen camp?

A With other SS officials? No. To my recollection I went there alone and reported to Himmler; and as I stated yesterday he was conducting a visiting tour through Germany.

Q And you only went in the quarry? Right?

A Yes.

Q Were you acquainted with Karwinski, the state secretary in the Dollfuss and Schuschnigg cabinets from September 1933 to October 1935--Karwinski?

H0108 - 0047

A I saw Karwinski once. I believe at that time through the hunger strike. He visited us at this camp. I have never seen him since or at any other time. It might be that one of his representatives visited us. That I can't say exactly.

H0108 - 0048

Q I ask that the Defendant be shown document No. 3843-PS, which will be USA Exhibit No. 794. I would like to say to the Tribunal that there is rather objectionable language in this exhibit but I do feel that in view of the charges against the Defendant, I do feel it is my duty to read it nonetheless.

If you will turn to Page 3.

A On page 3 there are just a few lines. May I read the entire document now, please?

Q It would take much too much time, Defendant. I am only interested in the paragraph which is on page 3 of the English text, and commences, "Shortly after Easter". Do you have it?

A Yes, I have the place.

Q "Shortly after Easter 1934 I received the news that the prisoners in the Kaiser-Steinbruch detention camp had gone on hunger strike. Thereupon I went there myself, in order to inform myself about the situation. While comparative calm and discipline prevailed in most of the barracks, one barrack was very disorderly. I noticed that one tall man seemed to be the leader of the resistance. This was Kaltenbrunner, at that time a candidate for attorney-at-law, who was under arrest because of his illegal activity in Austria. While all the other barracks gave up their hunger strike after a talk which I held with representatives of the prisoners, the barracks under Kaltenbrunner persisted in the strike. I saw Kaltenbrunner again in the Mauthausen camp, when I was severely ill and lying on rotten straw with many hundred other seriously ill persons, many of them dying. The prisoners, suffering from hunger edema and from the most serious intestinal sicknesses, were lying in unheated barracks in the dead of winter. The most primitive sanitary arrangements were lacking. The toilets and the washrooms were unusable for months. The severely ill persons had to relieve themselves on little marmalade buckets. The soiled straw was not renewed for weeks, so that a stinking liquid was formed, in which worms and maggots crawled around. There was no medical attention or medicines. Conditions were such that 10 to 20 persons died every night. Kaltenbrunner walked through the barracks with a brilliant suite of high SS functionaries, saw everything, must have seen everything. We were under the illusion that these inhuman conditions would now be changed, but they apparently met with Kaltenbrunner's approval for nothing happened thereafter."

H0108 - 0049

Is that true or false, defendant?

A This document which is an obvious surprise to me I can refute in every point.

Q I ask just — first, I ask you to state whether it is true or false?

A It is not true and each detail I can refute.

Q Make it as brief as possible.

A It is important for me to make it longer than what we have here. I have to refute each word which is incriminating me.

Q Just a moment. Perhaps you will wait until I have read to you two more exhibits I have along the same line. Then perhaps you can make your explanation of all three at the same time. Is that satisfactory to you?

A Yes, of course.

Q I ask that the defendant be shown document No. 3845-PS, which will become Exhibit No. USA-795. You have already denied, I believe, having visited or going through the crematorium at Mauthausen, correct?

A Yes.

Q Do you know Tiefenbacher, Albert Tiefenbacher?

A No.

Q If you have the document you will note that he was at Mauthausen concentration camp from 1938 until 31 May 1945 and that he was employed in the crematorium at Mauthausen for three years as a carrier of dead bodies. You note that?

A Yes.

Q Now, passing to the lower half of the first page, you will find the question:

"Do you remember Eigruber?" Answer: "Eigruber and Kaltenbrunner were from Linz."

"Did you ever see them in Mauthausen?

"I saw Kaltenbrunner very often.

"How many times?

"He came from time to time and went through the crematorium.

"About how many times?

Answer: "Three or four times."

Question: "On any occasion when he came through, did you hear him say anything to anybody?"

H0108 - 0050

Answer: "When Kaltenbrunner arrived most prisoners had to disappear, only certain people were introduced to him."

Is that true or false?

A That is completely incorrect.

Q Now I will show you the third document and then you can make a brief explanation. I ask that the defendant be shown document No. 3846-PS which will become Exhibit No. USA-796.

I might ask you, witness, do you remember ever having witnessed a demonstration of three different kinds of executions at Mauthausen at the same time? Three different kinds of executions?

A No, certainly not.

Q Are you acquainted with Johann Kanduth who makes this affidavit?

A No.

Q You will note, from the affidavit, that he lived in Linz; that he was an inmate of the concentration camp at Mauthausen from 21 March 1939 until 5 May 1945; that besides the work in the kitchen, he also worked in the crematorium from the 9th of May, and he worked the heating for the cremation of the bodies. Now, if you will turn to the second page, at the top.

Question: "Have you ever seen Kaltenbrunner at Mauthausen on a visit at any time?"

Answer: "Yes."

"Do you remember when it was?"

"In 1942 and 1943."

"Can you give it more exactly, maybe the month?"

"I don't know the dates."

"Do you remember only this one visit in the year 1942 or 1943?"

"I remember Kaltenbrunner three times."

"What year?"

"Between 1942 and 1943."

Question: "Tell us, in short, what did you think about these visits of Kaltenbrunner which you described? That is: what did you see, what did you do, and when did you see that he was or was not present at such executions?"

Answer: "Kaltenbrunner was accompanied by Eigruber, Schulz, Zeireis, Bachmaier, Streitwieser and some other people. Kaltenbrunner

H0108 - 0051

went laughing into the gas chamber. Then the people were brought from the bunker to be executed and then all three kinds of executions: hanging, shooting in the back of the neck, and gassing, were demonstrated. After the dust had disappeared, we had to take away the bodies."

Question: "When did you see the three different kinds of executions? Were these just demonstrations or regular executions?

Answer: "I do not know if they were regular executions, or just demonstrations. During these executions, besides Kaltenbrunner, the bunker-leaders 'Hauptscharfuehrer' Seidel and Duessen were also present. The last named then led the people downstairs.

"Do you know whether these executions were announced for this day or if they were just demonstrations or if the executions were staged just for pleasure of the visitors?

"These executions were announced for this day.

"How do you know that they were set for this day? Did somebody tell you about these announced executions?

"Hauptscharfuehrer Roth, the leader of the crematorium, always had me called to his room and said to me: 'Kaltenbrunner will come today and we have to prepare everything for the executions in his presence.' Then we were obliged to heat and to clean the stoves."

Is that true or false, defendant?

A Under my oath, I wish to state that not a single word of these exhibits is true. I might start with the first document.

Q Could you note, defendant, that none of these affidavits were taken in Nurnberg, but that they all appeared to have been taken outside of Nurnberg in connection with an entirely different proceeding or investigation. Did you note that?

A No, but it is irrelevant for the testimony, as far as I am concerned.

Q Yes, go ahead.

A The witness Karwinsky states having seen me in the year 1934 in connection with the hunger strike in the detention camp Kaiser-Steinbruch. He singles out the barracks in which disorders were taking place in which a tall man, meaning myself, was present. According to him, I was interned

H0108 - 0052

there because of my illegal activity. As far as these accusations are concerned, up to now, they are completely wrong.

First of all, I was not interned because of National Socialistic activities, but because of the report which we had received and Karwinsky, who was then State Secretary, and who would be familiar with this report, had said to perform National Socialistic activities at that moment was prohibited and all prohibited activities had been charged to me. Then, further, when Karwinsky came, the hunger strike was in its 9th day. We had not --

Q May I interrupt you just a moment, defendant. I am perfectly satisfied if you answer that these statements are false. If you are satisfied, I am perfectly satisfied with that answer. I do not need an explanation of all of these paragraphs when we have no way of verifying what you say.

A Mr. Prosecutor, I cannot be satisfied if the High Tribunal and the world is presented with testimony and documents which are pages long and of which you contend that they are the truth, and then you incriminate me in the most grave manner. I must have the opportunity to answer with more than yes or no. I cannot just say -----

THE PRESIDENT: You'd better let him go on. We do not want to argue about it. Go on, make your comments on the document.

THE WITNESS: Karwinsky arrived on the 8th or 9th day of the hunger strike. He did not come into the barracks in which we were, but we were brought on stretchers into the administrative building. None of us were even able to walk any more. And for this fact, there are many more witnesses --490 internees who had been confined in these barracks with me were in this administrative barracks. Karwinsky talked with us and stated that if the hunger strike were to stop the government would be willing to consider a liberation or a dismissal of the internees. We had been interned without having committed any offense at all, and thegovernment had given their promise to release us three times, and prior to that, never kept the promise.

Also, we requested a written statement from Karwinsky, either sighed by him or signed by others. We wanted this statement so that we could believe and if we could be shown it, then we would end the strike.

H0108 - 0053

He refused and the hunger strike went on and we were taken to the hospital in Vienna. On the 11th day, the hunger strike was stopped because even the giving of water was prohibited on that day.

THE PRESIDENT: When I said you could make your comments, I didn't mean you could go on giving the details of the hunger strike.

THE WITNESS: I just wanted to point out that it is incorrect as testified by the witness; that there was -- that I was active in the resistance and that I was still in my barracks. I had to be transferred on a stretcher to the barracks. None of us could even walk at that point.

Point 2, I talked with a cousin of Karwinsky. I talked with him repeatedly. His cousin was in charge of the sickness department at Linz and he told me that his cousin, that the witness mentioned here, never had been at Mauthausen, that he was at Dachau, beginning with the day of his detention. There is a lot of difference between Mauthausen and Dachau. I was committed as a former member of the Austrian government who had committed crimes against National Socialism. Through the RSHA and Heydrich in Berlin I was committed through a Berlin agency, not through an Austrian agency. I didn't see this man afterwards. That is, beginning with the first day of his internment at Dachau.

Point 3. I think the Prosecution should determine whether or not this man doesn't confuse me with someone else. If he has confused me with someone else, the Prosecution should go to the trouble of determining whether this man was not at Dachau from the beginning. I do know that this man was at Dachau. He wasarrested at Innsbruck, and at thesame time it was made known to me that he had been brought from Innsbruck to Dachau. And my jurisdiction at that time had been stopped.

THE PRESIDENT: We will adjourn now.

(The Tribunal adjourned at 1400 hours)

H0108 - 0054

ERRATA SHEET

At the end of the morning session, 12 April, 1946, at page 7694, it should read, "The Tribunal adjourned until 1400 hours", instead of "at 1400 hours".

H0108 - 0055

Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 12 April 1946, 1400-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: Colonel Amen, I suppose the defendant wants to say something about these other two documents. He had answered the one, had he not?

COLONEL AMEN: I do not know whether he had finished, your Lordship.

BY THE PRESIDENT:

Q Had you finishedwith the affidavit or the statement of Karwinsky?

A Your Lordship, I have not quite.

Q Go on then.

A I have no longer the document before me and I request that it be given back to me. May I please ask you to return the document to me?

Q Yes, it is coming.

(witness handed document)

A This document has not been shown to me during previous interrogations before the trial. Otherwise I would have immediately answered with a request that the cousin of the witness Karwinsky, who was chief of theInvalid Department at Linz and who bears the same name, be called as a witness and be asked whether it is correct that he expressly told me that this Karwinsky here was detained at Dachau and never at Mauthausen. I should very much like to add that the witness Dr. Skubl, who will be appearing before the Tribunal in another matter can probably make a statement on the same matter and particularly regarding the fact that this witness, Karwinsky, was arrested near the Swiss border on the occasion of his escape after the Anschluss and that he was taken from Dachau therefrom.

The reason why he was taken to Dachau is not exactly known to me but this Dr. Skubl will be able to give information on that subject, presumably saying that this intervention from Austria in connection with a former member of the Austrian Government would have to be prevented since Himmler was of the opinion that something might be done for Karwinsky on the part of the Austrian Government.

Q Your counsel can apply to call any witnesses that you want in rebuttal. He can make application for that request. It is not necessary to go into that.

A Very good, your Lordship.

I should like to make the following statement regarding the other two documents. Its entire contents are stated herewith by me to be untrue and incorrect. Had they been put before me in the interrogations then I would, as I did in other cases, have referred to the witness Zutter and his evidence and I would have made an urgent request that this witness be confronted with me.

Regarding the witness Zutter I have talked to the Prosecutor next to Colonel Amen, who is sitting at the table, holding the rank of major, and I have asked him at least twenty times that this witness who is making such serious statements against me be confronted with me and the Prosecutor today, Colonel Amen too, was present when I made that request, particularly when the question of Mauthausen was discussed and these gentlemen retired to consult with a third officer and discussed in English as to whether or not Ziehreis and Zutter could not be called in at once. Both were in this prison. All this is untrue.

Q I have already told you that your counsel can apply to call any witnesses that you wish in rebuttal.

A I shall ask my counsel to apply for the calling of those two witnesses.

CROSS-EXAMINATION -- continued.

BY COLONEL AMEN:

Q Defendant, who was responsible for the order to kill all inmates at Mauthausen concentration camp, shortly before the end of

H0108 - 0056

H0108 - 0057

DR. KAUFFMANN: Mr. President, may I say a few words in connection with these two documents?

They have first been introduced into the trial at this hour and it is only now possible for me to discuss these serious accusations with the defendant. He has denied it even to me, that is that these statements are true. I think it would be a violation of my duties as a defense counsel if I would not ask immediately now that these witnesses be heard. It could be that the Prosecution later on --

THE PRESIDENT: Dr. Kauffmann, what is the point of delaying the trial? I have just said that you might make application and you know perfectly well that application has to be made in writing.

I have said twice to the witness that you, Dr. Kauffmann, his counsel can apply for the calling of any witnesses you like in

H0108 - 0058

in rebuttal. What is the good of delaying the trial by getting up and making your application verbally now?

DR. KAUFFMANN: Far be it from me to delay it but I wanted to state right now that I wanted to call these witnesses and I shall certainly make application in writing.

BY COLONEL AMEN:

Q Did you understand the question, defendant?

A Yes. You had asked me who had given the order for the killing of the inmates at Mathausen at the end of the war and to that I reply that such an order is unknown to me.

I had given one single order to Mauthausen which stated that the entire camp and all detainees were, and without any ill-treatment, to be surrendered to the enemy. This order was given in the presence of the witness Dr. Hoettl where it was dictated and taken to Mauthausen by courier.

I draw your attention to the statement from Hoettl in which he underlines and states that fact.

A questionnaire has been sent to a second person by my defense counsel and I am requesting a similar statement and that interrogatory is still outstanding.

Q I did not ask you about that order. I asked you about an order to kill all inmates at Mauthausen concentration camp shortly before the end of the war. Who was responsible for that order? Were you?

A No, I have answered that question to start with

Q This time you are acquainted with the person who tells the story, Ziehreis. You are acquainted with him, Ziehreis?

A Yes, I knew Ziehreis.

Q And you had your picture taken with him and with Himmler which is now in evidence before this Tribunal. Do you recall that?

A I have not seen the picture. It was handed to the Tribunal at a time when I was in the hospital.

Q Well, never mind the picture then.

H0108 - 0059

COLONEL AMEN: I ask to have the defendant be shown document number 3870-PS, which will be 797 U.S.

Now, if the Tribunal pleases this is a fairly long document which I do not propose to read at length but it is one of the more important documents in the case and so I hope that the Tribunal will read the entire statement even though I do not bring it all out today in the interest of saving time.

THE PRESIDENT: It is a new document?

COLONEL AMEN: A new document, your Lordship.

THE PRESIDENT: Is it in German?

COLONEL AMEN: Yes.

(witness handed document)

BY COLONEL AMEN:

Q This you will note, defendant, refers to a dying confession of Ziehreis, as reported to the individual making the affidavit and I call your attention, first, to the last two paragraphs on the first page which we will read together.

H0108 - 0060

"There was one SS man for ten prisoners. The highest number of prisoners was about 17,000, with the exception of the branch camps. The highest number in Camp Mauthausen, the branch camps included, was about 90,000.

"The total number of prisoners who died was 65,000. The complement was made up of Totenkopf units, strength of 5,000 men, which were made up of guards and the command staff."

And, now, at the middle of the next page, the paragraph begins:

"According to an order by Himmler, I was to liquidate all prisoners on behalf of SS Obergruppenfuehrer Dr. Kaltenbrunner; the prisoners were to be led into the tunnels of the factory Bergkristall and only one entrance was to be left open."

A Mr. Prosecutor, I haven't yet found the passage.

Q It's in the middle of page 2. Do you have it?

A Yes, sir.

Q "Then this entrance was to be blown up by the use of explosives and the death of the prisoners was to be effected in this manner. I refused to carry out this order. This matter was the extermination of the prisoners of the so-called Mother camp, Mauthausen, and of the camps Gusen I and Gusen II. Details of this are known to Herr Wolfram and SS Oberstrurmfuehrer Echermann.

"A gassing plant was built in Concentration Camp Mauthausen by order of the former garrison doctor, Dr. Krebsbach, camouflaged as a bathroom. Prisoners were gassed in this camouflaged bathroom. Apart from that a specially built automobile commuted between Mauthausen and Gusen, in which prisoners were gassed while traveling

The idea for the construction of this automobile was Dr. Wasicki's, SS Untersturmfuehrer and Pharmacist. I, myself, never put any gas into this automobile; I only drove it, but I knew that prisoners were being gassed. The gassing of the prisoners was done on the urging of SS Hauptsturmfuehrer Dr. Krebsbach.

H0108 - 0061

"There was one SS man for ten prisoners. The highest number of prisoners was about 17,000, with the exception of the branch camps. The highest number in Camp Mauthausen, the branch camps included, was about 90,000.

"The total number of prisoners who died was 65,000. The complement was made up of Totenkopf units, strength of 5,000 men, which were made up of guards and the command staff."

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H0108 - 0062

"Everything that we carried out was ordered by the Reich Security Main Office, furthermore, by SS Obergruppenfuehrer Mueller or Dr. Kaltenbrunner, the latter being Chief of the Security Police."

Then, passing on to page 5, just below the center of the page, the paragraph commencing "In early summer of 1943." Do you have the place?

A Yes.

Q "In early summer of 1943, SS Obergruppenfuehrer Dr. Kaltenbrunner visited the Concentration Camp Mauthausen. The Camp Commandant Ziereis, Gauleiter Eigruber, first leader of the Protective Custody camp Bachmeyer and several others accompanied Kaltenbrunner. I saw Dr. Kaltenbrunner and the people who accompanied him with my own eyes. According to the testimony of the 'Corpse Carriers' of that time, the former prisoners Albert Tiefenbacher,"--whose affidavit has been read--"present address Salzburg; and Johann Polster, present address Pottendorf near Wiener Neustadt, Austria; about fifteen prisoners of the arrest class were selected by Unterscharfuehrer Winkler, in order to show Dr. Kaltenbrunner three ways of extermination, by a shot in the neck, hanging, and gassing. Women whose hair had been cut were among the executed and they were killed by shots in the neck. Above-mentioned 'Corpse Carriers' were present at the execution and had to carry the corpses to the Crematorium. Dr. Kaltenbrunner went to the Crematorium after the execution and later went into the quarry.

"Baldur von Schirach visited the camp in fall of 1944. He, too, went to the arrest building and also to the Crematorium."

Do you still say that you had nothing to do with the order referred to or the matters set forth in the affidavit?

A I state that with all the emphasis possible, and I want to draw your attention to the fact that you, Mr. Prosecutor, have stated that this statement was taken when Ziereis was on his death bed, but you do not say something which has been read from page 7 and 8, and which does not come from Ziereis, but comes from Marsalek,

[illegible]

H0108 - 0063

who is the basis for the statement, and this man, Hans Marsalek, whom, of course, I have never met at any time, is just like the other witnesses, an ex-detainee, protective custody detainee from Mauthausen, The value of a statement from a former concentration camp detainee to me, considering the impossibility of talking to the witness, which has been referred to by me previously, once again, I must ask that Marsalek be confronted with me. Marsalek cannot know of any such order. In spite of that, he states that he did.

Q Defendant, Marsalek is merely the individual who took the dying confession from Zioreis. Do you understand that?

A No, I don't, because so far it was new to me that the Prosecution were interrogating detainees from concentration camps and using them for the interrogation of a man who had been shot into the stomach three times and was dying. I thought that such interrogations

H0108 - 0064

would have been carried out by a man who was legally trained and who would be in a position to attach the necessary value to such statements.

Q Well, perhaps, Defendant, if you were conducting the Prosecution, you would do it differently; but, in any event, your testimony is that everything in that affidavit which was read to you is false; is that correct?

A It is false. I have never given an order, to the Camp Mauthausen, with the exception of that one order, which I was entitled to do on the strength of special powers, and for the contents of which and its transmission I can offer sufficient evidence. Mauthausen was never under my juridiction in any other way, and I could not give any such orders. The Prosecution know perfectly well, and must find in proved by dozens of witness'statements that there was never another a relationship of my giving orders to Mauthausen.

THE PRESIDENT: Defendant, you do not seem to understand what this document is. It is an affidavit of Hans Marsalek; and paragraph2 shows the fact that he made the interrogation of Ziereis, who was about to die, in the presence of the Commander of an Armored Division, and he then sets out what Ziereis said, and then he goes on to declare, in addition, what is contained in paragraph 3; and it is perfectly obvious to the Tribunal that what is said in paragraph 3 is not what Zeireis said, but what Marsalek said, the person who was making the affidavit.

A (Continuing) My Lord, to that I can say that Marsalek could, of course, as a detainee never know that Ziereis was never under my command.For that reason alone, it appears likely that Marsalek, when he questioned Zeireis could not possibly know the relationship and the connection of the case. I have proved to the Tribunal, and proved it to the Prosecutor, that an authority on my part wasn't given until 1939.

THE PRESIDENT: Yes, I know; that is only a matter of argument. I was only drawing your attention to the fact that it is perfectly obvious from the document itself that what Colonel Amen was reading was a statement of Marsalek and not a statement of Ziereis, which was the point you were making.

BY COLONEL AMEN:

Q Defendant, do you recall having ordered the Commandant of the Mauthausen Concentration Camp on the 27th of April, 1945, that at least 1,000

H0108 - 0065

persons should be killed at Mauthausen each day? Is that true or false?

A Mr. Prosecutor, I have never given such an order.

Q Well, you knew. Were you acquainted with SS Colonel Ziereis, the same person we have just been speaking of?

A Yes.

Q And were you acquainted with Kurt Becher or Becker, a former Colone in the SS?

A No.

Q I ask to have the defendant shown Document No. 3762-PS, which will become U.S.A. Exhibit No. 798.

A You asked, Mr. Prosecutor, whether I knew Colonel Becker, and I answered "No". but the man is Kurt Becher.

Q That's all the better. You do know him then, do you ?

A I know him, yes.

Q Very good.

- THE PRESIDENT: Colonel Amen, have these documents been translated into all languages?

COLONEL AMEN: I believe they have every one of them, yes. No, I am told that all of them have not; some of them have. This one is in English and Germa Your Lordship. We did not have time to get them translated into the Russian and French, although it is now in progress.

THE PRESIDENT: Yes, then it will be done?

COLONEL AMEN: Yes, sir, it is being done, yes.

THE PRESIDENT: Very well.

H0108 - 0066

A May I reply to it?

THE PRESIDENT: In order that the record should be properly complete, the Tribunal would like the Prosecution to state when the translation has been done so that the matter should be thoroughly in order.

COLONEL AMEN: Precisely.

Q Defendant, we will now read this document together;

"I, Kurt Becher, formerly a colonel in the SS, born 12 September 1909, at Hamburg, declare the following under oath:

"Between the middle of September and October 1944 I caused the Reichsfuehrer SS Himmler to issue the following order, which I received in two originals, one each for SS Generals Kaltenbrunner and Pohl, and a carbon copy for myself:

"'Effective immediately I forbid any liquidation of Jews and order that, on the contrary, hospital care should be given to weak and sick persons, (hold you (and here Kaltenbrunner and Pohl were meant) personally responsible if this order should not be strictly adhered to by lower echelons.'

"I personally took Pohl's copy to him at his office in Berlin and left the copy for Kaltenbrunner at his office in Berlin.

"In my opinion Kaltenbrunner and Pohl bear the full responsibility after this date for any further killings of Jewish prisoners.

"When visiting the concentration camp Mauthausen on 27 April 1945 at 9:00 a.m. I was told under the seal of strictest secrecy by the commandant in the camp, SS Colonel Ziereis, that 'Kaltenbrunner gave me the order that at least a thousand persons have still to die at Mauthausen each day.'

"The facts mentioned above are true. This declaration is made by me voluntarily and without coercion. I read through them, signed them, and confirmed the statement with my oath."

Is that true or false, Defendant?

A In part it is correct and in part it isn't. I shall explain it sentence by sentence.

Q No. Suppose you simply tell us what you claim to be false, because we must get on with this.

H0108 - 0067

A I believe that you want to save time, but this is the question of establishing if the guilt in this connection is mine or not, and to do that I must be given an opportunity to state my statement in detail. Otherwise neither you nor the Tribunal would know the truth, and that is what we want here, isn't it? I am glad that this witness was found and that this statement is available, because it proves, first of all, that in September or October 1944 Himmler was forced to issue this order and that Himmler, about whom it has been ascertained that since 1939 or 1940, and on the largest scale, was a criminal who was responsible for the killing of Jews.

And now we must find out just why in September or October Himmler had given such an order. Before I had seen this document, yesterday and today I have stated that this order, through my intervention, was gotten from Hitler, and obviously this order from Himmler is based on another order which he in turn received from Hitler.

Secondly, it is clear to me that Himmler gave such an order to Pohl as the responsible person for concentration camps, and that he has given the information to me as the person who was Himmler's opponent in this case, and that is this man Kaltenbrunner. As far as Becher is concerned, I should like to go into that a little more.

Himmler has done the worst things in connection with this man Becher which could possibly be done under the circumstances. It is through Becher and the Joint Committee in Hungary and Switzerland that he first of all exchanged for raw materials foreign currency and other goods he received from Jews. I heard about this through the intelligence service and immediately attempted to stop this -- not with Himmler, because I would have failed, but with Hitler. At that moment any personal credit Himmler might have had with Hitler might have been undermined, and this action damaged the reputation of the Reich abroad in the most serious possible manner.

At the same time my efforts in connection with Becher had been going on, and now you can understand why Schellenberg said that he had been told by Himmler "I am afraid; I am scared now. Kaltenbrunner's got me under his thumb. This means that now this man Kaltenbrunner has quite clearly proved what the things were that I was doing in Hungary and he has told Hitler about it."

H0108 - 0068

This order was an attempt to camouflage and was his attempt to get out of the whole thing by pretending before Hitler as if the possibilities were with Kaltenbrunner and Pohl. And according to this document the responsibility was with Himmler and Pohl, but Kaltenbrunner had to be included and be told about it because otherwise he would continually talk to Hitler about it every day. That is the content of that document.

Please, Mr. Prosecutor, if this witness Becher is in Nurnberg will you confront him with me here. I am perfectly in a position on the strength of that witness to prove to the public just how the matter in Hungary was the beginning of a matter which up to this day Himmler and Pohl were doing this business. And I can prove how I fought against it.

There is yet another accusation in this document, and that is that on the 27th of April I am supposed to have given a strictly secret order to Ziereis that a thousand persons a day had to be destroyed in Mauthausen every day. I am telling you that the witness Hoettl, who is also present here, should be brought in here at once so that I can ask him on what day I had dictated the written order and sent it by courier to Mauthausen in which I stated that the entire camp with all its inmates was to be surrendered to the enemy, and the witness will then confirm it to you that this order was given several days before the 27th of April and that I couldn't have ordered the contrary, the opposite, on the 27th.

I am asking you not to take me by surprise and put me in a situation under which I can collapse, Mr. Prosecutor. I am not going to collapse. I swear it to you and I have sworn it that I am determined to establish what is true.

Q Defendant, you have heard evidence at this trial with respect to the meaning of the phrase "special treatment," have you

H0108 -0069

not? Have you heard that in this courtroom?

A The expression has been used by my interrogators several times every day.

Q It can only be assumed, although I can't give a detailed explanation, that this was a death sentence, not through an open court but through an order by Himmler.

Q Well, the Defendant Keitel testified that, I think, it was a matter of common knowledge. Have you not at all times known what was meant by special treatment? Yes or no, please.

A Yes. I have told you an order from Himmler--I am referring you to Hitler's order of 1941 and Himmler's order that executions should be carried out without legal procedure.

Q Did you ever discuss the application of special treatment to certain individuals with Gruppenfuehrer Mueller of Amt IV? Yes or no, please.

A No;no. I don't know even if Schellenberg said so.

Q I ask to have the defendant shown Document No. 3839-PS which will become USA 799. By the way, were you aquainted with Joseph Spacil?

THE PRESIDENT: Answer the question.

Q Were you aquainted with Joseph Spacil?

A Spassp? No.

Q He is the person who makes the affidavit now before you.

A The name which is mentioned here is Joseph Spacil, and that man I know, ye

Q Now, will you look at the center of the first page, a paragraph commencing "In regard to special treatment." Do you have the place?

A Not yet, no. So as to comprehend the document I shall have to read all of it.

Q Well, if you have to read all of these documents, Defendant, we would never get through, because the first part has nothing to do with the part which I am interested in or with you.

A I beg your pardon, Mr. Prosecutor. I am sure that you are interested in expeditious procedure, but as Defendants, we are just as interested in our defens and we are just as anxious not to delay the proceedings; but those things which are necessary for my defense--at least I must be able to read a document to which I have to make a statement.

H0108 - 0070

Q But, Defendant, your Lawyer is receiving copies of all these documents, and I am sure that whatever is there which should be brought out on your behalf He will see to it that it will be brought out at the proper time, which will be after I get through asking you these questions. Isn't that satisfactory?

A No, that is not enough for me. I must know at any rate what is contained in that document, since you are asking me to make a statement on it now.

Q Well, go ahead and read it then.

THE PRESIDENT: Defendant, not only your own counsel will look after your interests but the Tribunal will look after your interests, and you must answer the question, please.

A Yes.

Q Very well. Now let's read along in the center of the page, commencing with "inregard to special treatment I have the following knowledge:

"On occasion of the meetings of the section heads Gruppenfuehrer Mueller frequently remarked to Kaltenbrunner if the one or the other case should receive special treatment or if special treatment was to be considered. The expressions were the following for example:

"Mueller: Obergruppenfuehrer, please Case B, special treatment or not?

"Kaltenbrunner: Yes, or to be presented to the Reichsfuehrer for decision.

"Or

"Mueller: Obergruppenfuehrer, no answer has arrived from the Reichsfuehrer in regard to special treatment of Case A.

"Kaltenbrunner: To be traced.

"Mueller handed a paper to Kaltenbrunner and requested instructions, as described above.

"If such a conversation between Mueller and Kaltenbrunner took place, only the initials were mentioned, so that the persons present at the table never knew who was involved."

And then the last two paragraphs:

H0108 - 0071

"Mueller as well as Kaltenbrunner have proposed special treatment, r-e-s-p, period". I do not know just what that means Your Lordship. "presentation to RFSS for approval of special treatment in my presence for special cases, which I can not identify. I estimate that in approximately 50 per cent of the cases, special treatment was approved."

Is the contents of that affidavit true or false, defendant?

A The contents, in the interpretation you are giving to the document is not correct. You will see immediately that that tragic expression "special treatment" in the connection will change and be rather funny and humorous. Do you know Winzerstube, Godesberg, which are cases of your so-called "special treatment"? Walzertraum, in the smartest and most fashionable Alpine hotel of the whole German Reich, and the Bergerstube is a very famous Hotel. I can not quite remember its name at the moment. It is Godesberg in which international meetings were held. On both these hotles especially qualified and respected personalities were found. I think of M. Ponset, M. Heriot, and many more. They were accomodated there, and they had three times the diplomatic rations, which is nine time the rations of the ordinary German during the war. They were daily given a bottle of champagne. They were allowed to have free correspondence with their families, free personal postal service to their families in France and there were various visits to these

H0108 - 0072

detainees, and their wishes and requirements were cared for, and that is what you are understanding to be special treatment in this connection.

I am explaining to you further that Mueller may have talked about this to me since this would interest me to an extreme degree from the point of view of foreign policy and intelligence, whether the Reich was following my tendencies now, which were that humane contacts with foreign persons should now be established, and in that connection Mueller may have talkd to me about it, but Winzerstube and Godesberg are the end goals, the final goals of this special treatment here, and they were special and preferential accomodations allotted to foreign persons.

Q Did you have frequent meetings with your section heads, including Mueller, as indicated in this document?

A Mr. Prosecutor, I stated yesterday and today that, of course, I had meetings with Mueller when we were lunching together, which we had to do because all our thirty buildings in Berlin had been destroyed by bombs or damaged, and I talked to him, but I talked to him not about matters which are of Department 1V, and it becomes clear from this document that these were matters which were extremely interesting to me as intelligence chief, but may I ask you not to leave this document just yet.

It must be a well-known fact before this Tribunal that these two establishments were used for the special--nine times better--treatment which I had desired --nine times better than the treatment allotted to Germans. That is of importance to me for my defence, and I am asking you-- I shall ask you through my solicitor-- that you make detailed

H0108-0073

inquiries about these two places of accommodation, and I am quoting as the leading one of the French detainees M. Ponset, and I am asking you to inquire from him what the treatment was. The thing went so far that he, together with a woman, were carrying out language studies in French and they went for walks for hours without being guarded.

Q Defendant, did you or did you not issue instructions to Mueller as Section Chief IV, as to whether certain individuals who were in confinement at Berlin should be transported to Southern Germany or be shot? And for your assistance, I will suggest to you that it was in February 1945 when the Russian armies were closing in on Berlin. Yes or No, if you can.

A The Russian army was not very near at that time to Berlin. I think military persons would be able to give you information as to how things stood at the time. I do not believe that the evacuation of any camps to a southern location was proposed at that time.

Q Were you acquainted with Martin Sandberger, Group Leader VIa of the RSHA?

A He was the first assistant of this man Schellenberg who has been mentioned often, and he was intermediary between Himmler and Schellenberg.

COLONEL AMEN: I ask to have the defendant shown the document 3838-PS, which will become USA 800.

Q I call your attention to the first two paragraphs only of that affidavit:

"In my capacity as group leader VIa at the RSHA, the following became known to me:

"In February 1945, I was told by group leader SS Standartenfuehrer Steimle that he had to represent Schellenberg at the daily Section Chief meetings. On that occasion, Mueller, Section Chief IV presented to Kaltenbrunner a list of names, who were in confinement in or close to Berlin, and Kaltenbrunner should

H0108 - 0074

decide if they were to be transported to Southern Germany or if they should be shot, because the Russian Armies were closing in on Berlin. Steimle did not know who was concerned. Kaltenbrunner made his decisions in an extremely hasty and superficial manner and Steimle indignantly turned to me regarding the frivolity of the procedure. I assumed that Kaltenbrunner had ordered a number of executions because if evacuation would have been ordered, there would not have been talk about frivolity of the procedure."

Is that affidavit true or false?

A The statement is not correct, and although it surprises me, I can immediately counter it. Perhaps I may draw attention to the following points:

The document was prepared at Oberursel on 19 November 1945. It originated from a witness called Sandberger. In the second half of the first paragraph he states-- No, I beg your pardon. He states this in the second paragraph, "As I was informed by Schellenberg in September 1945 at an internment camp in England on the occasion of a walk..." You can gather from the second part that he, together with Schellenberg, was in an interrogation camp in England in which I was detained for ten weeks as well and that they had detailed

H0108 - 0075

discussions, and this is of importance, because something more will have to be said about this man Schellenberg. Whether Sandberger knew Steimle's information before February or whether he got it through Schellenberg in London during that detention, that can only be ascertained by questioning this man Sandberger here, having him questioned through my Defense Counsel, and until then, I must contradict this statement altogether.

Q All right.

A Secondly. No, I have not finished for a long time. Secondly Sandberger states that he had heard from Steimle that this man Steimle had heard. Now, then, if such information were not creditable to me after it has come through three or four persons, then such a statement which has been made by Steimle here would be denied strictly by me. I had not the authority to make such decisions nor did Steimle, Sandberger or Schellenberg at any time know the facts; namely, that only Himmler personally could have made such decisions as these.

Thirdly, I have never -- or only in one case -- heard of such treatment of detainees and I intervened and stated amongst these very persons -- and this, incidentally, is the case of Schuschnigg who was in such a camp which was threatened by the Russians. Anyway, on 1 February 1945, as I remember this date very well and it can be confirmed by another defendant here and my reply to this other defendant. He said, "Couldn't we do something for Schuschnigg so he won't fall into the hands of the Russians?" I replied, "Will you or shall I make that suggestion to the Fuehrer, to have him released from detention or at least to take him somewhere where he won't fall into the hands of the Russians but fall into the hands of the Americans." Whereupon, one of us--I can not remember who but probably both, took this proposal to Hitler, and he agreed to it.

THE PRESIDENT: Surely you are going very far afield. The Tribunal quite understands that you point out, which is obvious, that this is hearsay evidence. The only question for you is whether Mueller did on this occasion present a

H0108 - 0076

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H0108 - 0077

list of names to you, and we understand that you say he did not. We do not want to hear argument about it.

A No, Your Lordship, Mueller did not submit such a list to me, but I must define my attitude to this document which has just been shown to me for the first time. I do not want to appear to the Tribunal that I can only make a statement and defend myself after I have been in close consultation with my lawyer for hours. I want to tell the Prosecutor at once that this is not true. My credibility is at stake, and in some form I must answer at once on the spot. I cannot make it easier for the Prosecutor by saying that I cannot answer to a matter after he has made himself familiar with a matter for hours. I must be able to tell the Tribunal why these things are untrue.

Q Defendant, are you familiar with any of the so-called "bullet" orders that were directed to the Mauthausen concentration camp? Yes or No?

A I have made a detailed statement on this Kugelorder", and I have stated that I did not know that order

H0108 - 0078

Q Did you ever issue any orders supplementing the so-called "Bullet" order, you yourself: Did you ever issue any such?

A No.

COLONEL AMEN: I ask to have the defendant shown document 3844-PS, which will become USA Exhibit 801.

Q Were you acquainted with Josef Niedermayer, defendant? Josef Niedermayer?

A No. I do not recollect having known that name at that time or knowing it now.

Q Well, perhaps this will bring it back to you. Paragraph One:

"From the fall of 1942 until May 1945 the so-called cell-barracks of the Mauthausen Concentration Camp were under my supervision.

"2. During the beginning of December 1944 the so-called 'bullet' orders were shown to me in the political department of the Mauthausen Concentration Camp. Those were two orders each of which bore the signature of Kaltenbrunner. I sawboth of these signatures myself. One of these orders stated that foreign civilian workers who had repeatedly escaped from work camps were to be sent to the Mauthausen Concentration Camp under the 'bullet' action in case of recapture.

"The second order stated that the same procedure was to be followed with officers and non-commissioned officers who were prisoners of war with the exception of British and Americans if they repeatedly escaped from prisoner of war camps. These prisoners of war were also to be brought to the Mauthausen Concentration Camp.

"3. On the basis of this 'bullet' order and the oral instructions of Kaltenbrunner which went with it, 1,300 foreign civilian workers, officers and non-commissioned officers were brought to the Mauhausen Concentration Camp. There they were lodged in block number 20, and fed badly according to orders that they had to starve. Eight hundred of them died from hunger and illness. The bad food and the lack of medical care resulted from the personal oral orders of Kaltenbrunner."

H0108 - 0079

Is that statement true or false, defendant?

A That is not correct, Mr. Prosecutor. Here once again, I believe that I can deprive this document of its value. May I draw your attention to Page Two. On Page 2, paragraph three, it says in the third line, it says "1,300 foreign civilian workers, officers and non-commissioned officers were brought--". From that word "Civilian workers"--

Q Defendant I am primarily interested in paragraph two, which has to do with the fact that the person who makes the affidavit saw to "Bullet" orders bearing your signature. Is that, so far as you know, true or false?

H0108 - 0080

A No; I said yesterday, and I repeat it today for the second time, Mr. Prosecutor, that these Kugel orders were not known to me. However, so as to come to the credibility of the witness and the value of the document, I must be able to raise my arguments in connection with those points which are particularly obvious and where the prosecution is wrong. That is, in the third line of paragraph 3, where the witness--who has a completely different signature than that of the person who has written the rest of the statement, which is a fact which I would like to draw to the attention of the Tribunal--the witness completely forgot that the Bullet Order, which has been read out here, repeatedly referred to officers and non-commissioned officers, but not to civilian workers. How can he use a wrongfully quoted order when he makes a statement? I can't apply a civilian paragraph, which is 820, RGB, to justify the death sentence for murder; nor can I, on the strength of the Order Bullet, lock civilian workers into a camp. The witness, in his haste and anxiety to oblige, had forgotten these details.

I don't believe, therefore, that this man has ever seen a document which bears my signature, and such a document has never been read out to me either, or put before me.

Once again, of course, I will have to ask that this witness--and I am sure there will be some more referring to the same problems--that this and all these other witnesses should be brought here and be questioned upon the matter as to just how their statements came about.

Q Defendant, do you recall the testimony of the witness Wisleceny with respect to your participation in the forced labor program on the defenses below Vienna?

A I had not quite finished answering your last question; I still have to say something vital about this matter.

Q I thought you were through with that.

A Yes, I thought so too, but I have just remembered something important.

H0108 - 0081

Q All right.

A It is very relevant that I should point out or refer you to what I said about the Kugel Order yesterday, or the Bullet Order. I have stated that in December or January 1944, or 1945, that became known to me, what my reaction was, and how I turned against it. That fact too is an explanation for the fact that I couldn't, shortly before that, have signed that myself.

Apart from that, it is totally unnecessary for a Kaltenbrunner to sign the Decree Kugel, which the prosecution is certain was signed in 1941 by Hitler. For that reason, too, I just wanted to make that final remark about that document.

Now, will you please be good enough to repeat the next question, which I missed?

Q I want to call your attention to the testimony of Wisleceny with respect to your participation in the forced labor program on the defenses below Vienna. Are you familiar with what he said in this court?

A No.

Q Well, I will read it to you. It is very short.

"Answer: In October-November 1944, about 30,000--perhaps a few thousand more--were taken out and brought to Germany. They were to be used for defensive work in Vienna and to work on these fortifications. Mostly women were involved. A small part of these people were put into the work camps on the Lower Danube, and they died through exhaustion. A smaller percentage, perhaps 12,000, were taken to Vienna, the boundary part to the West, and about 3,000 were taken to Bergen and Belsen and then into Switzerland. Those were Jews that had come from Germany."

Now, defendant, do you recall having had any correspondence with the Buergermeister of the City of Vienna with respect to the assignment of this forced labor in the City of Vienna?

A I have never written a single letter to the Buergermeister of Budapest, and I should very much like to ask you to show me any such letter.

Q I didn't say Budapest, I said the Buergermeister of the City of Vienna, or I intended to, if I did not.

H0108 - 0082

A The Mayor of Vienna? I can't remember having had any correspondence with him either. I think perhaps I can explain the matter to you by saying that these fortification works with which we must be concerned, apparently, did not come under the City of Vienna, but the district of the Lower Danube. I did not know Vienna had a joint frontier with Hungary, you know.

Q Well, you have already testified that you had nothing to do with participating in this forced labor program; is that not correct?

A Yes.

Q All right.

COLONEL AMEN: I ask you to have the defendant shown document 3803-PS USA Exhibit 802

(The document was submitted to the witness).

Q(continuing) I call your attention to the first three paragraphs. You will note that the letter comes from yourself, and reads as follows:

"To: Buergermeister of the City of Vienna, SS Brigadefuehrer Blaschke, Vienna.

H0108 - 0083

"Subject: Assignment of Labor Force to War Essential Work in the City of Vienna.

"Re: Your letter of 7 June 1944.

"Dear Blaschke:

"For the special reasons cited by you I have in the meantime given orders to ship several evacuation transports to Vienna-Strasshof. SS Briga Dr. Dellbruegge had, as a matter of fact, already written to me concerning t same matter.

"At the present four shipments with approximately 12,000 Jews are pending. They should reach Vienna within the next few days.

"According to previous experience it is estimated that 30 percent of the transport will consist of Jews able to work -- approximately 3,600 in this case -- who can be utilized for the work in question, whereby it shall be understood that they are subject to be removed at any time. It is obvio that only a well guarded, enclosed place of work and a secured camp-like billeting arrangement can be utilized, and this is an absolute prerequisite for making these Jews available.

"Women unable to work and children of these Jews who all are kept in readiness for special action, and therefore one day will be removed again, have to say in the guarded camp also during the day.

"Please discuss further details with the State Police Headquarters in Vienna, SS Obersturmbannfuehrer Dr. Ebner and SS Obersturmbannfuehrer Krumey from the Special Action Command Hungary, who, at the present, happens to be in Vienna.

"I hope that these transports will be of help to you in carrying out these urgent work details of yours.

"Heil Hitler!

"Yours Kaltenbrunner."

Now, do you recall that communication?

A No.

Q Do you deny having written that letter?

A Yes.

Q Well, I think, defendant that this time your signature is affixed to the original of this letter. Do you have the original?

H0108 - 0084

A Yes.

Q Is that not your signature?

A No, that is not my signature. There is a signature made either in ink or is a facsimile, but it is not mine.

Q Defendant, I want to show you samples of your signature which you gave in the course of your interrogations, and I ask you to tell me whether or not these are your signatures.

A I have already made hundreds of such signatures, and they are probably right. The one in pencil, the document signed in pencil, has been signed by me.

Q Well, will you indicate them in some way so that the Tribunal can look at the signatures which you admit are your own, and compare them with the signature on this document 3803-PS, USA Exhibit 802?

A The signatures on these pieces of paper which are executed in pencil are mine; they are my own.

Q All of them?

A All three.

Q All right.

A But not the one in ink.

Q Very good

(The documents were submitted to the Tribunal)

COLONEL AMEN: Shall I continue, your Lordship?

THE PRESIDENT: One moment, please.

Go on, Colonel Amen.

BY COLONEL AMEN:

Q Defendant, you have heard the evidence with respect to the establishment of the Warsaw Ghetto and the clearing of the Ghetto.

THE PRESIDENT: Are you passing from this document?

COLONEL AMEN: Yes, Your Honor.

THE TRIBUNAL: We had better adjourn for ten minutes.

(A recess was taken)

H0108 - 0085

DR. THOMA: Mr. President, I would like to begin. I do not know whether Document Book 1 was given me. Will you please also tell me what day and at what time your decision will be made known on that.

(A short pause.)

THE PRESIDENT: Dr. Thoma, the Tribunal thinks that, subject to anything you have to say, half-past twelve tomorrow -- that is Saturday morning -- would be a good time at which we could decide the admissibility of your documents.

DR. THOMA: Thank you very much indeed.

COLONEL AMEN: If the Tribunal please, I want to revert for a moment to Document 3803-PS, with the signature.

BY COLONEL AMEN:

Q Defendant, do you have the original of that exhibit before you?

A Yes.

Q Will you look at the signature and tell me whether you do not find appearing in handwriting, just above the signature, the letters, "D-E-I-N"?

A Yes.

Q And as I understand it, that word means "yours"; in other words, it is an intimate expression used only between close personal friends, is that not correct?

A In German there are only two phrases, in concluding a letter -- either "Ihr," "I-H-R," or "Dein," "D-E-I-N." We use the latter, "Dein," if we are on close terms, friendly terms. I am a friend of Blaschke, the Mayor of Vienna.

Q Now, would it not be an absolutely ridiculous and unthinkable thing that a stamp or facsimile would be made up which contained not only a signature but the expression, "Dein," above the signature?

A That would be nonsensical; I agree with that, without reservation, but I did not say that it must be a facsimile signature. I just said that it is not my signature. It is either a facsimile or put down by another hand, the author of this letter -- I couldn't finish before -- as seen from the code in the upper left-hand corner, in Abteilung IV-a and -b, he is to be found in that office and every one in the departments and entire German Reich knew that the Mayor of Vienna, Blaschke, and myself, on the basis of our common activity in Vienna, that is for about ten years, had been on a friendly basis and had used

H0108 - 0086

the familiar form of address, "Du." Then, when I was absent from Berlin, and the letter was urgent, and I assumed such to be the case from the contents, in that case the official would be considered it justified to write this document. I did not authorize him and it would be an impossibility for him to do that, but that is the way I must picture the events that have taken place.

Q Then, Defendant, at least you agree that it is not a facsimile signature, is that correct?

A It would be most unusual to have a stamp made with the word, "Dein." It would be entirely impossible. Therefore the

H0108 - 0087

official himself must have put or fixed the signature. That I was on familiar terms with Blaschke, everyone knew, and therefore the word, "Dein", had to be used, if he used my signature at all.

Please look at the figure 30 also. From samples of my writing you can see that I do not write like that at all.

Q Defendant, is it not equally ridiculous to think that a person, or an official -- as you term him -- in signing such a letter on your behalf would try to imitate your signature?

A Not that, but, Mr. Prosecutor, it would be a matter of course as far as the Lord Mayor of Vienna is concerned, and a man of whom the official knew that I was on familiar terms, to put a signature -- a typewritten signature -- under a personal letter. That would be equally impossible. When I was not in Berlin he had two possibilities, either to typewrite or to act as though Kaltenbrunner had been actually there.

Q Is it not a fact that you are simply lying about your signature on this letter, in the same way that you are lying to this Tribunal about almost everything else you have given testimony about? Isn't that a fact?

A Mr. Prosecutor, these insults which you are tossing at me, I am used to these insults, since for one year I have been interrogated hundreds of times. I have been insulted much worse. My mother, who died in the year 1943, was called a whore, and other accusations were hurled at me. This term is not knew to me, but I would like to state that in a matter of this kind I certainly will not tell an untruth, becouse I want credibility before this Tribunal.

Q I am suggesting, Defendant, that when your testimony is so directly contrary to that of twenty or thirty other witnesses and far more documents, It is almost incredible that you should be telling the truth and that every witness and every document should be false. Don't you agree to that proposition?

H0108-0088

A No. I cannot say that. Up to now I have always had the feeling that every document which you submitted to me today, at first glance, could be refuted by me immediately in its most vital points and I ask and I hope to be successful with the Tribunal, that I may refer to single points and I may be confronted with individual witnesses, so I may fight. In your preliminary interrogations your collaborator has in my opinion, had the wrong impression of me, it is completely wrong that he believes I was refuting and fighting insignificant things, but the concept of this proceeding was unknown to me, but I believe if he talked about more important matters then more important matters would have been established and I am perhaps the only defendant who immediately stated, when he received the indictment, when I was asked "are you ready to make further statements to the prosecution?" I said "immediately", and with my own signature, which you may produce, and I, as such, was at your disposal immediately in every way and at anytime. Is it not so? Please confirm that? I have asserted that up until today -- an additional five months -- I was always ready to answer every question but was not asked.

THE PRESIDENT: Restrain yourself. And when you see the light, speak slower. You know about the light, don't you?

BY COLONEL AMEN:

Q Is it not a fact, defendant, that on the occasion of your last interrogation, you stated that you did not wish to be interrogated any more because the questions seemed to be designed to help the prosecution rather than to help your case and that you were told that in that event, you were not being questioned any more; that you were also informed that there were other documents and other material with which you had not been confronted and that if you desired at any time to come back and be interrogated with respect to those matters, you should tell your lawyers so and send a note and that the interrogator would be very happy to continue interrogating you? Is that not a fact, yes or no?

A No, Mr. Prosecutor, it did not happen that way, but I repeatedly stated on that thing, and it was early in the evening, I believe about eight, and I can describe the room upstairs. I was led out of the room. The interpreter which I saw here this morning wasthere and several other officials

H0108 - 0089

were in the room. They asked if I received the indictment today and I said "yes, I have". They said, "Did you take notice of it?" and they said, "From now on, you will have to speak with the General Secretary about your defense. Do you wish to be interrogated further?", at which I said, "yes, I am always at your disposal, at any time." but this officer here looked at me rather dismayed; for he did not expect that statement on my part; obviously all others seemed to have said, "no, we are glad that these interrogations are at an end and now we can work on our defense."

Q Now, defendant, I want to read to you from your last interrogation; after a question as to whether the testimony is being helpful to you sufficiently so thatyou want to continue, you spoke as follows:

"This would at least be as important for my defense as that term which is helping the prosecutors case and by which the interrogator has asked me repeatedly; therefore, I have the feeling that I am still in the hands of the prosecutor and not in the hands of a judge in charge of a preliminary hearing and as the indictment has been served, I find myself now in the state of preparation for my defense and I do not find it appropriate that you continue to look formaterial which would incriminate me. Please do not regard this as any criticism or rebuttal because I have never been informed about the procedure to be followed in these hearings and I do not know them but according to my knowledge of lawful procedure, this state of affairs is incorrect. I never had the possibility of confronting other witnesses and of reminding them that this and that happened differently and so forth.

"Q Is your statement made in the form of an objection to further questioning?

"A In that sense, as I stated it right now, if there is a possibility to be confronted with witnesses and do something about testimony in my favor, I would be very glad to continue but even there I have the feeling that it would be better to do this during the evidence at the trial itself. I believe I should discuss this first with my defense attorney.

"Q Well, if there is any question in your mind about whether you should go further in any interrogayion by the Office of Chief of Counsel, or the U. S. representative to the International Military Tribunal, I think you

H0108 - 0090

should talk to your counsel, too. You have never been under any compulsion to answer either before or since this indictment was served. I think you will agree your treatment has been fair in all circumstances,

"A Yes," and so on.

Is that not correct?

A Mr. Prosecutor, that is just the kind of information that I have been telling you; the material that you justread says that I had not agreed with the stopping of the interrogations, that I said that I had never had any opportunity to be confronted with the witnesses on what I was chargdd with. It was a confirmation that I asked you to put the witnesses before me so that I might talk with them and I also said that I was glad. Now, I may start with the beginning of my defense. I do not deny that but I wish to deny that because actually that is so, but in this statement which wasnot read to me, I wasnever aware of the meaning. I never said that I would never be at your disposal. I always said that I would be at your disposal, and that I would be at your disposal and I have always said that.

H0108 - 0091

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"A Yes," and so on.

Is that not correct?

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H0108 - 0092

Q Defendant, let us get to the Warsaw Ghetto. Do you recall from the evidence before this Tribunal, that some 400,000 Jews were first put into the Ghetto and then in the final action, SS troops cleared out about 66,000 of which more than 14,000 were killed. Do you recall that evidence?

A Not in the particulars, no, but what I know about this matter, I have already stated.

Q Did you know that substantially all of these 400,000 Jews were murdered at the extermination plant at Treblinka? Did you know that?

A No.

Q What did you have to do with the final razing of the Warsaw Ghetto, nothing as usual?

A I had nothing to do with that, as I already stated.

Q I ask to have the defendant shown document No. 3840-PS, which will become US Exhibit 803. Were you acquainted with Karl Kaleske?

A No, that name is not familiar to me.

Q Does it help you to remember if I suggest to you that hewas the adjutant of General Stroop?

A I do not know the adjutant of General Strupp; the name which you just mentioned to me, "Kaleske," that I do not know either.

Q Let us get to his affidavit. Do you have it before you now?

A Yes.

Q "My name is Karl KALESKE. I was Adjutant to Doctor von SAMMERN-FRANKENEGG from November 1942 until April 1943, while he was SS and Polizeifuehrer of Warsaw. I then was Adjutant to SS and Polizeifuehrer STROOP until August 1943. The action against the Warsaw Ghetto was planned while von SAMMERN-FRANKENEGG was SS and Polizeifuehrer. General STROOP took over the command on the day of the commencement of the action. The funetion of the Security Police during the action against the Warsaw Ghetto was to accompany the SS troops. A certain number of SS troops were assigned the task to clear a certain street. With every SS group there were from four to six Security policemen, because they knew the Ghetto very well. These Security policemen were under Doctor HAHN, Commander of the Security Police for Warsaw. HAHN received his orders not from the SS and Polizeifuehrer of Warsaw, but directly from KALTENBRUNNER in Berlin. This pertains not only to the Ghetto action

H0108 - 0093

but to all matters. Frequently Doctor HAHN came to our office and told the SS and Polizeifuehrer that he had received such and such an order from KALTENBRUNNER about the contents of which he wanted to inform the SS and Polizeifuehrer. He would not do this with every order, but only with certain ones.

"I remember the case of three hundred foreign Jews who had been collected in the Polski Hotel by the Security Police. At the end of the Ghetto action KALTENBRUNNER ordered the Security Police to transport these people away.

"During my time in Warsaw the Security Police had been in charge of matters concerning the underground. The Security Police handled these matters independently of the SS and Polizeifuehrer, and received its orders from KALTENBRUNNER in Berlin. When the leader of the underground in Warsaw was captured in June or July 1943, he was flown directly to KALTENBRUNNER in Berlin."

Are those statements true or false, defendant?

A These statements are, without exception, wrong.

Q Just like all the other statements of all the other persons that had been read to you today? Is that correct?

A This statement is not correct. It is not true and can be refuted.

Q That is what you have said about all the other statements I read to you today, is that not so?

H0108 - 0094

A Mr. Prosecutor —

Q Is that so?

A I must say yes. If you give me wrong accusations I have to declare them wrong. I cannot because the Prosecution is wrong in this case say yes to everything of which you accuse me.

Q All right, go ahead and say whatever you want.

A I ask you to keep in mind what I said about jurisdiction and problems of subordination of all higher police leaders and SS leaders concerning occupied territories. All of them were directly responsible to Himmler. The SS and police leaders were subordinate to him and under its exclusive command jurisdiction the Order Police and Security Police and the entire instrument, the entire system which was active in the occupied territories was excluded from the command jurisdiction of the Reich Central Office.

There are men who, without exception, can testify to the truth of what I have said. Bach-Zelewiski who was questioned was only in occupied territories and knowns conditions there. There is also the defendant Frank who worked with the SS leader who later became Secretary of State.

Q Your lawyer can call these people. All I am asking you is whether or not this document is true or false and then asking you to make any brief pertinent explanation that you might wish to.

A This document does not agree —

Q We know about potential witnesses all over Germany and we know all these defendants in the box have knowledge about most of these affairs but that is not what I am asking you about.

I am merely asking you whether whatwas in that paper was true or false and you have said it is false. Now, is there anything else you feel you have to say about it?

A It is not correct and this witness —

Q Well, you said that six times.

A Does not know the necessary matters.

Q Well, how about General Stroop? Did he know anything about it?

A If he was a police general and his diary is cited, then of course yes. Troops were subordinate to the higher SS and police leader. Stroop had to execute —

H0108-0095

THE PRESIDENT: The translation is not coming through to me.

A (continuing) Your Lordship, I beg your pardon.

Q Stroop was a pretty good friend of yours, was he not?

A In my entire life I perhaps saw Stroop two or three times.

Q Well, if Stroop were here he at least would be in a position to tell the truth, would he not, about this Warsaw ghetto affair?

A He would have to confirm my statement at least that he was subordinate to the higher SS and Police Leader and that he was not subordinate to me. I would be very glad if he could confirm that immediately. From your words I must assume that the man is in custody here.

Q Well, he is not in custody here but fortunately we have an affidavit from him on exactly these matters about which I have been questioning you.

COLONEL AMEN: I ask to have the defendant shown document number 3841-PS, which will become U.S. Exhibit 804.

BY COLONEL AMEN:

Q We will find out whether Stroop confirmed what you are trying to tell the Tribunal.

You will accept what Stroop says, will you witness?

A I have not read the document.

Q No, but I say knowing Stroop and knowing the position which he held you do not question but what he would tell the truth about the happenings in the Warsaw ghetto, isn't that what you have just said, in effect?

A The truth of a witness's testimony has been questioned before but I just said I do not know the document and therefore I cannot define my position as far as Stroop is concerned in this matter.

Q All right, we will read it.

"My name is Juergen STROOP. I was SS and Polizeifuehrer of the District of WARSAW from the 17th or 18th of April, 1943, until the end of August, 1943. The action against the Warsaw Ghetto was planned by my predecessor, SS Oberfuehrer Doctor von SAMMERN-FRANKENEGG. On the day of the commencement of this action I took over the command and von SAMMERN-FRANKENEGG explained to me what was to be done. He had the order from HIMMLER before him, and in addition I received a teletype from HIMMLER which ordered me to clear the Warsaw Ghetto and raze it to the ground. To carry this out, I had two

H0108 - 0096

THE PRESIDENT: The translation is not coming through to me.

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H0108-0097

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A (continuing) Your Lordship, I beg your pardon.

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H0108 - 0098

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H0108 - 0099

battalions of Waffen-SS, one hundred army men, units of Order Police, and seventy-five to a hundred Security Police people. The Security Police had been active in the Warsaw Ghetto for some time, and during this program it was their function to accompany SS units in groups of six or eight, as guides and experts in Ghetto matters. Obersturmbannfuehrer Doctor HAHN was commander of the Security Police of Warsaw at this time. HAHN gave the Security Police its orders concerning their tasks in this action. These orders were not given to HAHN by me, but came from Kaltenbrunner in BERLIN. As SS and Polizeifuehrer of Warsaw I gave no orders to the Security Police. All orders came to HAHN from Kaltenbrunner in BERLIN. For example, in June or July of the same year, I was together with HAHN in Kaltenbrunner's office and Kaltenbrunner told me that while HAHN and I must work together, all basic orders to the Security Police must come from him in BERLIN.

"After the people had been taken out of the Ghetto, numbering from fifty to sixty thousand, they were brought to the railroad station. The Security Police had absolute supervision of these people, and was in charge of the transport of these people to LUBLIN.

"Immediately after the Ghetto action had been completed, about three hundred foreign Jews had been collected at the Polski Hotel. These people had partly been here before the action, and partly brought here during the action. Kaltenbrunner ordered HAHN to transport these people away. HAHN himself told me that he had received this order from Kaltenbrunner.

"All executions (Interpreter's Note: Carrying out death sentences) were ordered by the Reich Main Security Office, Kaltenbrunner.

"I have read this statement over and I have understood it completely. I have made the statement freely and without compulsion. I swear before God that this is the full truth."

H0108 - 0100

Do you say that that statement of Stoop is true or false?

A It is untrue.

Q You will find that instead of its bearing out your story it confirms in substantially every detail the story told by Kaleske, who was Stoop's adjutant at the time. Isn't thattrue, defendant?

A It is not true insofar as witness Stroop is one step closer to my position, in that on page one he declares he had received the orders regarding that ghetto from Himmler, something which Kaleske never did say and that is of value to me.

Q I will accept that, defendant.

A As far as the questioning of Stroop is concerned, we can show definitely that Hahn, of course, had received orders from Berlin but I do not know as a matter of course the officers of the Security Police worked together with AMT IV, as far as legal matters were concerned. But this is a matter of the Government General taking place in Warsaw. In what complex and in what sphere this happening took place, that is a question all expert witnesses will have to agree to a man that this was in the sphere of the activity of the Government General not of the Reichs Sicherheits Haupt Amt. Itis completely wrong that the Sicherheitspolizei members at Warsaw, such as Hahn, were not subordinate to the SS and Police Fuehrer.

It can be testified to and confirmed that all Security Police officers, especially when an action of this kind was concerned, had only one leader and head and that was the local leader. But, Mr. Prosecutor, if as you said you would give me the possibility of defining my position more comprehensively, then I would like to refer back to this matter.

Q And now, defendant, I want to refer you to document 3819-PS, which is already in evidence as G.B. 306, whichare notes of a conference in the Reichschancellery on 11 July 1944, signed by Lammers and the subject of testimony before this Tribunal the other day. You recall having attended tht meeting I presume.

(witness handed document)

A No, I do not know the purpose of this meeting.

Q You do not deny that you were there, do you?

A I do not know, I am just seeing this document for the first time here now.

H0108-0101

Q Now, look at page 12, in the middle of the page, the sentence there "In Paris, the evacuation of which was considered--"

DR. KAUFFMANN (Counsel for defendant Kaltenbrunner): Mr. President, for the clarification of this question, I ask whether it might not be appropriat if the Prosecution questioned Lammers about this matter when Lammers was here in the witness stand.

THE PRESIDENT: Was this put to Lammers?

COLONEL AMEN: Frankly, Your Lordship, I do not know. The document was introduced and identified, and I am not sure whether he was asked about it or not, sir. Sir David says that he introduced the document with Keitel, at the foot of page 9.

THE PRESIDENT: Very well, go on.

BY COLONEL AMEN:

Q Do you find the place, defendant?

A Yes, I find the place.

Q "In Paris, the evacuation of which was considered, 150,000 to 200,000 workers could be seized. In this connection--"

A No, I have not found that place, Mr. Prosecutor.

Q Well, it's just above the pharagraph which commences "The chief of the security police Dr. Kaltenbrunner". Do you find that spot?

A Yes, I have it now.

Q Well, passing to that sentence:

"The chief of the security police Dr. Kaltenbrunner declared himself willing, when asked by the GBA, to place the security police at his disposal for this purpose, but pointed out their numerical weakness. For all of France he had only 2,400 men available. It was questionable whether entire age classes could be seized with these weak forces. In his opinion, the Foreign Office must exercise a stronger influence on the foreign governments."

Is that a true reflection of what took place at that meeting, defendant?

A I cannot agree with the wording of the document, but I might say as an explanation that according to the introduction on page 1, we are concerned with a Chef Besprechung (discussion of chiefs), and by that term we do not mean me, for I was the Chief of the Reichssicherheits-Hauptamt; the highest ministry and the highest departments are meant by that.

H0108-0102

Through a questioning of the witness Lammers, it would have to be determined whether I was there on the orders of the Ministry of the Interior and of Himmler -- and that could be possible -- and whether that was the case; that I was there on the order and instruction of Himmler seems to be evident from the number mentioned here. It is mentioned here that only 2,400 men were to be at our disposal. As far as that figure is concerned, neither the Security Police nor the SD ever had any number like that; rather, all forces, even of the Higher SS and Police Leader, and other small organizations, which are subordinate to Himmler, would have to be included in this figure, and I'm sure they were meant by it.

There is lacking, therefore, one thing at least in this document, the explanation, that is, that Kaltenbrunner, on orders of Hitler, is giving Himmler's views; and that is the least which is lacking. But through a questioning of the witness Dr. Lammers, I'm sure we can clarify this matter.

Q All right.

A In any case, I would like to point out that it was my opinion in this question that I could not be helpful because, first of all, negotiations by the Foreign Office and the jurisdiction by the French Government, and competence on my part would have to be considered. Measures to be taken there could not be taken without the agreement of the French Government.

Q All right, defendant. Now, do you recall evidence given before this Tribunal about efforts made by Germany to incite the Slovaks to revolt against Czechoslovakia and that Hitler used the insurgency of the Slovakians, as well, as one of the excuses for occupying Czechoslovakia in March of 1939?

A I do not know who testified to that.

Q Well, in any event, during the years 1930 to 1939, it is a fact, is it not, that you were the State Secretary for Security in Austria? Is that right?

A No, I was not State Secretary for Security. I was State Secretary for the security system of the Austrian Government at Vienna, and that is an entirely and vitally important difference because the Security Police in Austria was instituted and was led from Berlin.

Q Well, all right.

A And, as far as the security system is concerned, I had no influence, not even did my minister.

H0108-0103

Q When did you become Higher SS and Police Leader for Upper Austria with your headquarters in Germany?

A That is a completely wrong picture. In Upper Austria there was no Higher SS and Police Leader; only for Austria that is true.

Q Well, when was it?

A That was after the liquidation of the Austrian Government and after the completion of the business; and that should be able to be traced by looking through the Reichsgesetzblatt. It seems to be in the summer of '41.

Q And isn't it a fact that you, yourself, directed the activity of the Slovakian rebels and assisted them with explosives and ammunition? Answer that yes or no, please. Do you recall having participated in any conference with respect to a plan for instigating this revolt of Slovakia?

A It is not correct; it is false. I did not participate in instigating anything like that. I did take part in conferences at the Czechoslovakian Government, and in the presence of the plenipotentiary of the German Reich.

Q Did your friend Spacil assist you in carrying out these plans?

A That I do not recall today. In any case, they were not German plans. If you recall and investigate political conditions in Czechoslovakia at that time, you will see that it did not need any institution on the part of the German Reich in this movement, which was led by Dr. Tucka. It already made its own decisions of its own accord.

Q Were you acquainted with Obersturmbannfuehrer Fritz Mundhenke?

A I did not quite catch the name.

Q Well, you'll see it on this exhibit which I ask you to be shown now, Document No. 3842-PS, which will become US Exhibit No. 805.

Defendant, this is a fairly long exhibit, which I don't want to go through in detail; but I first call your attention to the opening lines; "With respect to the occupation of Czechoslovakia two different actions were taken: The first one: Occupation of the Sudetenland and the Border Districts inhabited by German Nationals. The second one: Occupation of Czechoslovakia proper."

And the following lines:

"Some time before the second action, officers of the Hlinka Garde (the illegal or underground para-SS organization in the Slovakian part of the former Czechoslovakian Republic) used to come to the premises of SS-Oberabschni

H0108-0104

Donau (which at the time may still have had its original name of SS-Oberabschnitt Oesterreich)."

Then follow the details of the plans for inciting this revolt. Then, coming to the end of the first paragraph, you will find the following:

"There secret meeting in which I did not take part. I felt that I was not fully trusted. I saw the gentlemen in Kaltenbrunner's enteroom only and, as far as I can remember, in the dining room. The discussions, the topics of which I was not aware, referred without doubt to the action planned."

Then he gives his reasons. And, passing to the second page, in the center, you will find the following:

"Kaltenbrunner alone was responsible for these actions. In charge of the actions from the side of the Allgemeine SS was SS-Standartenfuehrer Spacil (nicknamed shortly Spatz). He was chief of the administration of SS-Oberabschnitt Donau and was called later on by Kaltenbrunner to Berlin and made chief of staff at the Reichssicherheits-Hauptamt. Spacil was one of the most intimate friends of Kaltenbrunner."

Then, at the close, paragraphs 1 and 2, and sub-divisions:

"I have made this statement:

(1) not from the feeling of hate or just because I like to be a squealer, but from understanding that in so doing I can serve in detecting crimes which I as a German am ashamed of.

(2) being fully convinced that on account of my statements I will be slandered by the other side. I know quite well the men who are trying to make trouble for me and that for a long time. But this shall not deter me from helping the spirit of justice to a victorious end."

I ask whether the substance of that document, as I have given it to you, is true or false?

H0108-0105

A Both, no. Only someone who knows the circumstances. It is nonsensical and of course untrue. The document can be characterized best that on the first page in the introduction it says:

"The second one: occupation of Czechoslovakia proper (called afterwards the Protectorate of Bohemia-Moravia in the Slovakian state)."

Since an occupation of the Republic of Slovakia had never taken place by the German Reich in history. The witness cannot be familiar with history or tradition. In this document so many details can be explained in a humorous manner that the worth of this document is equal to zero. I would like to call your attention to page 3 of the German text and to name the men who were readying the occupation and give a clarification to that first of all.

There is mentioned Franz Kourik. He seems to have been a chauffeur. The second is Karl Spitt. He seems to be a chauffeur. The third is an SS man by the name of Apfelbeck, son of an inn-keeper and a butcher by trade, who was an auxiliary. He had a serious auto accident. He was an auxiliary in the administrative department. Then we come to Stadler, who was a small bookkeeper. And the man Petenka is unknown to me.

These men supposedly with me, were to have prepared the occupation by the Reich. That is pure and utter nonsense.

Q Very good, Defendant. All right. That is nonsense.

A And in the document one thing is true--that I was with members of the Hlinka-Garde in this house at this address at Vienna and I did have a conference with them. This dealt with the unification of the Volksdeutsche, the racial Germans, in the Slovakian State and the Hlinka-Garde. We nominated joing candidates for the Slovakian Government. You can prove my statement. You can find them in the press book, and my name was known there. They can all testify to the truth. But as far as an occupation of Slovakia is concerned, it never took place at all. I believe I do not need to take account of it to justify myself.

Q Defendant, in the course of this trial the order of Himmler to the effect that the civilian population should not be punished for lynching allied fliers has been introduced in evidence, and you have heard the sworn statement of Schellenberg and Gerded to the effect that you in your capacity

H0108-0106

as chief of the security police and SD issued such instructions to your subordinates. Do you deny these statements? Yes or no, please.

A I do not wish to deny, but I did not give any such statements and ask the permission of the High Tribunal that my counsel will read the paper which I gave to him at the beginning of the session in which the testimony of Koller, the state chief of the Luftwaffe is given, which defines my attitude towards this problem---that even in the presence of Hitler I stated, "I will not obey such an order." And this was my own inner position. I told my counsel about thismatter yesterday.

Q All right, defendant. Now take a look at Document No. 3855-PS, which will become U.S. Exhibit No. 806, carrying your own name on the bottom of it, whether it be signature, fascimile, or anything else you choose to call it. Do you have the document before you?

A Yes.

Q You will note that it comes from the chief of the security police and of the SD, and according to the notes in the upper left-hand portion was prepared for your signature by Amt IV A 2 B Nr.

A That is the first and very brief mistake, Mr. Prosecutor.

Q All right.

"a) To all

Commanders

and Inspectors of the Security Police and the SD

(for oral information to the subordinated offices)

b) To the

Sections IV A and IV B
The subsections IV A 1
IV A 3
IV A 4 - IV A 6
IV B 1 - IV B 4

c) To

Office V - Criminal Police Office of the Reich

For information
To the senior SS and Police chiefs
To the Chief of the Order Police

d) To

Chiefs of office 1 - 111 and V1 of the Reich Security Main Office.

File

ERRATTA SHEET

H0108-0107

Pages numbered 7740A, 7740B, 7740C and 7740D, attached, are part of the afternoon session of Friday, April 12, 1946, and should appear as such.

H0108-0108

12 Apr-A-DMR-22-1

Subject: Treatment of enemy fliers who have bailed out.
Reference: None

A series of questions dealing with the treatment of enemy fliers who have been shot down need clarification:

Out of principles, captured enemy fliers are to be shackled. This measure is necessary and is executed with full consent of the Chief of the Supreme command of the Armed forces

a) in order to prevent frequent escapes, and

b) in view of the severe shortage of personnel in the collecting agencies.

Enemy air crews, who

a) offer resistence when captured, or

b) wear civilian clothes under their uniforms, are to be shot at once when captured.

Enemy fliers, - especially of the Anglo-American Air Forces - mostly carry escape bags with them, filled with daggers, all sorts of maps, ration coupons, tools for escapes, etc.

Escape bags are to be sured by all means by the police agencies as they represent most important means of assistance for seizure. Forwarding to the Air Force is required.

Partly, the order of the Reichsfuehrer SS of 10.8.1943" --which I believe also you testified you know nothing about -- "is not being followed , as it has probably not been disseminated orally - as ordered - to the subordinated police offices.

It is therefore repeated:

"It is not the duty of the police to interfere in conflicts between the German people and bailed out English and American Terror fliers."

Near the corpse of a shot down English flier, a brassard with the inscription "Deutsche Wehrmacht" and a valid seal was found. This brassard is only worn by combat troops, and it gives the bearer access to all militarily and strategically important points in the various operation zones. Parachuted enemy agents are probably going to make use of this new means of camouflage.

H0108-0109

During the past months individual cases have shown that the German population does arrest enemy fliers, but then, until their delivery to the Police or the Armed Forces, it does not keep the proper distance. Too strict measures on the part of the State Police against these citizens, would keep them from arresting enemy fliers without reservation, since these cases must not be confused with the criminal act of helping escaped enemy fliers.

Reichsfuehrer SS has ordered the following measures to be applied to citizens who conduct themselves in a dishonorable manner towards captured enemy fliers either out of bad intentions or misunderstood pity:

1) In especially severe cases, transport into a concentration camp. Announcement in the Newspapers of the district.

2) In lighter cases, protective custody not less than 14 days at the competent State Police office. Employment to clear damaged areas.

Should there be no damaged area suitable for such an employment within theterritory under the jurisdiction of one State Police Office, the short timed protective dustody sentence is to be carried out at the nearest State Police station. The Reichsfuehrer SS has contacted Reichsleiter Bormann in this matter and has pointed out that it is the task of the party officials to instruct the population to preserve the absolutely necessary distance towards enemy fliers.

I charge the commanders and Inspectors of theSecurity Police and the SD with the task to notify in writing thesubordinated offices and sections V and VI of the above degree.

Signed: Dr. Kaltenbrunner

Certified: Rose

Office Clerk."

Do you deny having had anything to do with the issuance of that document? Do you deny thatyou signed it?

A I have never seen this document before. It has never been submitted to me. As far as my responsibility is concerned, which I mentioned yesterday,

H0108-0110

regarding problems of direction, Amt IV seems to be the author of this decree, and in these questions this Amt was under thedirect jurisdiction of Himmler.

THE PRESIDENT: I haven't heard the answer to the question. Did you sign it?

A No.

BY COLONEL AMEN:

Q You deny your signature and you deny knowing anything about this document bearing your name, is that correct?

A Mr. Prosecutor --

Q Will you answer that, Defendant? You deny this document just like you have denied every other document that has been shown to you today, is that correct?

A I have already stated that this document was never submitted to me. Yesterday in my testimony I stated again that I knew that such document were never submitted to me. I must know it today. And perhaps I am guilty of a small offense, that I did not pay more attention whether above my signature things like this were given out. I never denied yesterday that I had a little guilt, but my position can be seen from the testimony of Koller.

THE PRESIDENT: I don't understand. Are you saying that the signature on the document is not yours, or that you may have signed it without looking at the decree? Which are you saying?

A Your Lordship, this decree was never submitted to me. As far as the signature is concerned, that would have been completely against my inner attitude, for my attitude in this matter can be seen from the testimony of Koller.

THE PRESIDENT: I am not asking you what your inner attitude is: I am asking youwhether the name on it is written by your hand.

A No.

THE PRESIDENT: The Tribunal would like to look at the document.

COLONEL AMEN: It is a typewritten signature, Your Lordship.

THE PRESIDENT: I don't want to see it. Yes, let us look at the document.

H0108-0111

THE PRESIDENT: Defendant, who is Rose?

A I don't know, Your Lordship.

THE PRESIDENT: Colonel Amen, can you give any idea how long you will be with your cross examination?

COLONEL AMEN: Perhaps half an hour, depending on the answers of the Defendant.

THE PRESIDENT: Very well. Then the Tribunal will adjourn. We will sit tomorrow at 10 o'clock to continue this part of the case, and will adjourn at half past twelve in order to hear Dr. Thoma and the Prosecution upon his documents.

H0108-0112

ERRATTA SHEET

Pages numbered 7740A, 7740B, 7740C and 7740D, attached, are part of the afternoon session of Friday, April 12, 1946, and should appear as such.

H0108-0113

Subject: Treatment of enemy fliers who have bailed out.
Reference: None

A series of questions dealing with the treatment of enemy fliers who have been shot down need clarification:

Out of principles, captured enemy fliers are to be shackled. This measure is necessary and is executed with full consent of the Chief of the Supreme command of the Armed forces

a) in order to prevent frequent escapes, and

b) in view of the severe shortage of personnel in the collecting agencies.

Enemy air crews, who

a) offer resistence when captured, or

b) wear civilian clothes under their uniforms, are to be shot at once when captured.

Enemy fliers, - especially of the Anglo-American Air Forces - mostly carry escape bags with them, filled with daggers, all sorts of maps, ration coupons, tools for escapes, etc.

Escape bags are to be sured by all means by the police agencies as they represent most important means of assistance for seizure. Forwarding to the Air Force is required.

Partly, the order of the Reichsfuehrer SS of 10.8.1943" --which I believe also you testified you know nothing about -- "is not being followed , as it has probably not been disseminated orally - as ordered - to the subordinated police offices.

It is therefore repeated:

"It is not the duty of the police to interfere in conflicts between the German people and bailed out English and American Terror fliers."

Near the corpse of a shot down English flier, a brassard with the inscription "Deutsche Wehrmacht" and a valid seal was found. This brassard is only worn by combat troops, and it gives the bearer access to all militarily and strategically important points in the various operation zones. Parachuted enemy agents are probably going to make use of this new means of camouflage.

H0108-0114

During the past months individual cases have shown that the German population does arrest enemy fliers, but then, until their delivery to the Police or the Armed Forces, it does not keep the proper distance. Too strict measures on the part of the State Police against these citizens, would keep them from arresting enemy fliers without reservation, since these cases must not be confused with the criminal act of helping escaped enemy fliers.

Reichsfuehrer SS has ordered the following measures to be applied to citizens who conduct themselves in a dishonorable manner towards captured enemy fliers either out of bad intentions or misunderstood pity:

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2) In lighter cases, protective custody not less than 14 days at the competent State Police office. Employment to clear damaged areas.

Should there be no damaged area suitable for such an employment within theterritory under the jurisdiction of one State Police Office, the short timed protective dustody sentence is to be carried out at the nearest State Police station. The Reichsfuehrer SS has contacted Reichsleiter Bormann in this matter and has pointed out that it is the task of the party officials to instruct the population to preserve the absolutely necessary distance towards enemy fliers.

I charge the commanders and Inspectors of theSecurity Police and the SD with the task to notify in writing thesubordinated offices and sections V and VI of the above degree.

Signed: Dr. Kaltenbrunner

Certified: Rose

Office Clerk."

Do you deny having had anything to do with the issuance of that document? Do you deny thatyou signed it?

A I have never seen this document before. It has never been submitted to me. As far as my responsibility is concerned, which I mentioned yesterday,

H0108-0115

regarding problems of direction, Amt IV seems to be the author of this decree, and in these questions this Amt was under thedirect jurisdiction of Himmler.

THE PRESIDENT: I haven't heard the answer to the question. Did you sign it?

A No.

BY COLONEL AMEN:

Q You deny your signature and you deny knowing anything about this document bearing your name, is that correct?

A Mr. Prosecutor --

Q Will you answer that, Defendant? You deny this document just like you have denied every other document that has been shown to you today, is that correct?

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THE PRESIDENT: I don't understand. Are you saying that the signature on the document is not yours, or that you may have signed it without looking at the decree? Which are you saying?

A Your Lordship, this decree was never submitted to me. As far as the signature is concerned, that would have been completely against my inner attitude, for my attitude in this matter can be seen from the testimony of Koller.

THE PRESIDENT: I am not asking you what your inner attitude is: I am asking youwhether the name on it is written by your hand.

A No.

THE PRESIDENT: The Tribunal would like to look at the document.

COLONEL AMEN: It is a typewritten signature, Your Lordship.

THE PRESIDENT: I don't want to see it. Yes, let us look at the document.

H0108-0116

THE PRESIDENT: Defendant, who is Rose?

A I don't know, Your Lordship.

THE PRESIDENT: Colonel Amen, can you give any idea how long you will be with your cross examination?

COLONEL AMEN: Perhaps half an hour, depending on the answers of the Defendant.

THE PRESIDENT: Very well. Then the Tribunal will adjourn. We will sit tomorrow at 10 o'clock to continue this part of the case, and will adjourn at half past twelve in order to hear Dr. Thoma and the Prosecution upon his documents.